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**FOR**

**THE YEAR 1863:**

**WITH AN**

**ALPHABETICAL LIST OF BANKRUPTS,**

**AND**

**INDEX OF PRINCIPAL MATTERS.**

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# INDEX

TO THE

## GAZETTE OF BANKRUPTS.

### A.

AARON, J., 87  
 Abbeyley, J., 38  
 Abbey, H., 194  
 Abbott, T., 183  
 — T., 220  
 Abdale, T., 139  
 — T., & Kemp, G., 191  
 Aberdein, S., 150  
 Able, L. C. C., 262  
 Abraham, R., 337  
 Abrahams, E., 479  
 — G., 90  
 — I., 382  
 Abram, E. J., 35  
 Acland, W., 55  
 Acombe, G., 10  
 Adams, C., 18  
 — G., 194  
 — G., 247  
 — J., 346  
 — M., 66  
 — R., 202  
 — R. K., 66  
 — S., 66  
 — S., 86  
 — T., 303  
 — W., 287  
 — W., 411  
 — W., 479  
 Adamson, J., 319  
 — T., 114  
 Adcock, W. H., 426  
 Addis, J. B., 441  
 Addison, L., 242  
 Addy, E., 271  
 Adhemar, L. C., 382  
 Agars, J., 174  
 Ager, G., 441  
 Ainsworth, W., 210  
 Airey, J., 70  
 Akers, S., 271  
 Akil, J., 454  
 Aknos, C., 103  
 Albery, W., 351  
 Alcock, J. E., 78  
 — J., 258  
 — T., 479  
 Aldersley, J., 232  
 Alderson, J. H., 274  
 Alderton, C. W., 247  
 Aldeson, J., 43  
 Aldie, J., 406  
 Aldridge, T., 387  
 Alexander, G., 387  
 Alhatt, E. C., 314  
 Alan, H. T., 155  
 — J., 15  
 — J., 303  
 — M., 110  
 Allaway S., 387  
 Allcock, J., 158  
 Allday, G., 390  
 Allen, G., 234  
 — G., 403  
 — G., 406  
 — J., 139  
 — J., 166  
 — J., 290  
 — J., 314  
 — J., 362  
 — J., 406  
 — J., 414  
 — J. E., 338  
 — T., 80  
 — W., 194  
 — W., 406

Allgood, J., 219  
 Allinson, G., 15  
 Allison, T., 127  
 Allix, W., 378  
 Allman, C., 392  
 Allnatt, W., 398  
 Allport, N., 378  
 Allt, T., 70  
 Almon, J., & Almond, J., 76  
 Alpo, J., 298  
 Alston, H. C., 114  
 Altmann, E. G., 298  
 Alvarez, A., 446  
 Alway, E., 15  
 Ambrose, J., 15  
 Amiable, E., 387  
 Amos, R. G., 239  
 Anagnostopulos, E., 411  
 Anderson, A., 64  
 — H. B., 390  
 — J., 247  
 — J., 311  
 — J., 426  
 — J. W., 150  
 — R., 446  
 — T. A., 446  
 — W., 162  
 Andrade, B., 174  
 Andrew, A., 46  
 — C. S., 426  
 — H., 335  
 — J., 266  
 — P., 411  
 — R., 2  
 — R., 462  
 — T., 70  
 Andrews, A., 359  
 — C. F., 470  
 — E., 34  
 — G., 43  
 — J., 142  
 — J., 232  
 — J., 411  
 — S., 271  
 — W. H., 130  
 Angel, G., 258  
 Angus, G., 10  
 Anscombe, J., 150  
 — M., 271  
 Ansell, H. S., 330  
 Antcliff, R. J., 15  
 Anthony, W. J., 411  
 Antrobus, P., 58  
 Applin, J., 67  
 Appleton, C. H., 110  
 — J., 266  
 Appleyard, S., & Par-  
 kin, R., 362  
 — W. B., 266  
 Arandall, T., 454  
 Archbutt, H., 242  
 Archer, A., 362  
 — F. J., 330  
 — J. C., 202  
 — J. J., 258  
 — W., 23  
 — W., 70  
 Aris, T. B., 210  
 Arkell, J., 54  
 Arkle, J. W., 362  
 Armes, B., 102  
 Armitage, G. G., 147  
 — S., 142  
 Armstrong, F., 221  
 — R., Brodzick, &  
 Newton, E., 166  
 Arnold, A., 290

Arnold, C. R. E., 470  
 — I., 234  
 — R., 130  
 — R., 271  
 — W., 303  
 Aronsberg, W., 395  
 Arrowsmith, C. W., 271  
 — S., 194  
 — T., 222  
 Arundel, R. J., 158  
 Asbourn, W., 165  
 Asbury, J., 247  
 Ascroft, J. L., 114  
 Ash, J., 598  
 Ash, J. L., 280  
 Ashburne, J. L., 70  
 Ashby, J., 298  
 — T., 122  
 Ashcroft, W., 22  
 Ashford, E., 194  
 — T. F., 242  
 Ashmore, C., 267  
 Ashton, C., 467  
 Ashworth, J., 150  
 Askew, D., 426  
 — J., 392  
 Aslett, W., 66  
 Aspden, R., 247  
 Aspey, G., 306  
 Aspin, J., & Ward, W., 290  
 Aspinall, J., 338  
 Aspinwall, W., 319  
 Astin, J., 110  
 Astley, J., 414  
 Aston, E., 43  
 — J., 247  
 Atack, J., 18  
 Atha, J., 287  
 Athow, F., 202  
 Atkins, J., 18  
 — W., 255  
 Atkinson, A., & Smith, R., 161  
 — E., 403  
 — G., 290  
 — J., 303  
 — J., 303  
 — J., 311  
 — R., & Atkinson, J., 70  
 — T., 15  
 — W., 250  
 — W., 354  
 — W., 570  
 Atley, M. A., 398  
 Atterton, J., 239  
 Attfield, F., 247  
 Atkins, T., 120  
 Attose, R., 92  
 Attridge, J., 469  
 Attwell, A. G., 403  
 — R. T., 395  
 Auckland, T., 194  
 Ault, J., 150  
 Auglar, W., 222  
 Austen, C. J., 200  
 Austen, F., 87  
 Austin, C., 234  
 Austin, J., 18  
 — J., & Austin R., 426  
 — T., 18  
 Auty, A., 303  
 Avery, R., 422  
 — T., 467  
 — T. G., 90  
 Avins, H., 78

Ayers, F., 199  
 — J., 370  
 — J. F., 395  
 Ayres, W. P., 446  
 Ayland, J. A., 219  
 Ayler, G. A., 370  
 Azuelos, A., 378  
 B.  
 Bacon, J., 2  
 Badger, R., 239  
 Badgery, T., 65  
 Badham, E., 239  
 — F. C., 165  
 Badow, L., 158  
 Bagguley, J., 2  
 Bagley, R., 287  
 Bagshaw, W., 26  
 — W., 378  
 Balgent, A. S. P., 354  
 Bailey, C., 311  
 — G., 271  
 — J., 171  
 — J., 203  
 — J., 282  
 — J., 65  
 — R., 182  
 — R., 346  
 — R., 210  
 — R. B., 26  
 — R. H., 362  
 — T. S., 70  
 Bailiff, J., 207  
 Bailie, J. M., & Duys-  
 ter, G., 266  
 Bainbridge, W., 403  
 Baines, G., 35  
 — J., 7  
 — J., 67  
 — T., 191  
 Bake, H., 351  
 Baker, R., 346  
 — H., 263  
 — E., 22  
 — K., 154  
 — F., 330  
 — G. E., 406  
 — J., 110  
 — J., 210  
 — J., 238  
 — J., 406  
 — J. E., 38  
 — M., 142  
 — R., 247  
 — R. C., 46  
 — T., 42  
 — T., 298  
 — W., 2  
 — W., 23  
 — W., 46  
 — W. H., 46  
 Bakewell, H., 266  
 — W. W., 122  
 Balsam, T., 15  
 Baldon, T. B., 239  
 Baldrey, J., 182  
 Baldry, H. A., 202  
 Baldwin, F., 163  
 — J., 414  
 — T., 422  
 Ball, A., 84  
 — F. L., 339  
 — H., 179  
 — J., 207  
 — R., 371  
 — S., 146  
 — S., 210

Ball, W., 190  
 Ballard, G., 446  
 — H. J., 462  
 — J., 102  
 Baller, S., 319  
 Balls, J., 171  
 — J., 446  
 — R. H., 322  
 Balshaw, G., 147  
 Banford, J., 55  
 Banks, H., 370  
 — H. S., 222  
 — J., 312  
 — J., 312  
 — W. H., 102  
 Bannocks, W., 255  
 Banton, G., 467  
 Banyard, J., 76  
 Barber, E. A., & Car-  
 ver, J., 127  
 — H., 155  
 — H. F. C., 210  
 — J. W., 406  
 — S., 102  
 — W., 202  
 Barfoot, F. D., 210  
 Barget, W., 130  
 Barham, C. H., 171  
 Barker, F., 274  
 — I., 10  
 — J., 406  
 — J., 426  
 — J. J., 459  
 — M., 322  
 — R., 395  
 — T., 322  
 — W., 58  
 — W., 370  
 — W., 467  
 — W. N., 10  
 Barlow, J., 78  
 — J., 232  
 — W., 262  
 Barnard, G., 446  
 — J. A. L., 150  
 — M., 42  
 — T. B., 446  
 Barnby, R., 210  
 Barnes, A., 222  
 — C., 274  
 — E., 70  
 — F., 442  
 — G., 75  
 — G., 266  
 — J. W., 414  
 — M. A., 90  
 — R., 66  
 — W., 454  
 Barnett, E. T., 338  
 — F., 403  
 — G., 197  
 — H., 242  
 — H., 290  
 — J., 35  
 — J., 370  
 Barney, G., 354  
 Barnes, J., 222  
 Barnsdall, N., 18  
 Barr, A. W., 319  
 Barr, C., 234  
 — J., 70  
 — W., 467  
 Barracough, J., 362  
 — W., 150  
 — W., 155  
 Barratt, F., 406  
 — H., 280  
 — J. W., 354  
 — W., 114

Barre, A., 70  
 Barren, M., 234  
 Barrett, C., 171  
 — G., 319  
 — T., 263  
 — W., 119  
 Barrow, J., 343  
 Barrow, J., 250  
 — J., 428  
 — J., 442  
 — J. B., 2  
 — R. W., 174  
 Barry, D. A., 338  
 Barsted, W., 362  
 Bartholomew, A. M., 484  
 — J. S., 158  
 Bartlett, G., 122  
 — J., 196  
 — M. A., & Bartlett, A., 422  
 — R. H., 68  
 — S. P., 150  
 — W., 210  
 Barton, H. A., 454  
 — H. F., 279  
 — J., & Barton, J., 335  
 — J., 70  
 — T., 78  
 Basford, J. P., 22  
 — W., 110  
 Bashall, H. M., 406  
 Baskerville, P., 362  
 Bassett, R., 219  
 Bastone, H. J., 343  
 Bastard, G. J., 42  
 Basten, T., 258  
 Bastin, J., 127  
 Baston, H., 103  
 Bastow, T., 10  
 Batchelder, J., 369  
 Batchelor, C. A., 38  
 Batchelor, Z., 210  
 Batchlor, W., 446  
 Bata, J., 7  
 — J., 366  
 — W., 200  
 Bateman, E., 346  
 — M., 7  
 Bates, E., 398  
 — J., 23  
 — J., 66  
 — J., 346  
 — J., 351  
 — W., 18  
 — W., 354  
 Bateson, J., 179  
 Bathe, E. E. D., 290  
 Batho, W., 247  
 Bathurst, E., 454  
 Batigan, M., 18  
 Batley, G., 446  
 Batt, J., 446  
 Batten, E. W., 242  
 Batters, F., 454  
 Battersby, J., 219  
 Battershall, T. G., 114  
 Battley, E., 46  
 Battley, F., and Battley, T., 43  
 Baum, W., 311  
 Baumgarten, C. H., 130  
 Baxter, J., 330  
 Bayley, H. J., 22  
 — J., and Bayley, E., 232  
 — T., 15



- Bayley, W., 171  
 Baylis, J., 231  
 — T. H., 218  
 Baylis, W., 319  
 Bayley, W., 202  
 Beadish, G., 230  
 Beadshaw, J., 2  
 Beal, T., 90  
 Bealey, G., 250  
 Beall, W., 232  
 Bean, C., 66  
 — J., 166  
 Bearcroft, E. C. K., 242  
 Beard, F. C., 271  
 — G., 210  
 — J., 303  
 — S., 150  
 Beardsaw, J., 266  
 Beardsley, E., 102  
 — J., 262  
 Beardsworth, E., 387  
 Beasley, J. W., 58  
 Beattie, T., 479  
 Beaumont, J. H., 222  
 — J., 18  
 — J., and White, J., 163  
 — W. H., 247  
 Beck, H., 218  
 — H. B., 411  
 — J., 351  
 — J., 422  
 Beckett, C., 422  
 — W. B., 242  
 Beckett, W. O., 70  
 Beckley, J., 239  
 — R., 256  
 Beckworth, W., 396  
 Bedding, J., 23  
 Bedwell, G. T., 359  
 Beech, H., 158  
 — R. A., 23  
 Been, G., 279  
 Beer, J., 126  
 — J. S., 10  
 — T., 119  
 Beesley, H., 34  
 — N., 122  
 — R., 256  
 Beeson, J. H., 158  
 Behenna, R. B., 182  
 Behrens, B., 210  
 Behrens, G. C., 340  
 Belford, J., 350  
 Bell, E., 179  
 — E., 448  
 — F., 142  
 — H., 130  
 — J., 15  
 — J., 18  
 — J., 43  
 — J., 180  
 — J., 219  
 — J. T. W., 171  
 — M., 76  
 — M. A., 287  
 — R., 76  
 — R. H., 406  
 — T., 60  
 — W. H., 335  
 Bellamy, D. W., 446  
 — J., 87  
 Bellingham, C. M., 370  
 Bellwood, W., 467  
 Belt, R. S., & Whitfield, J., 387  
 Belton, F., 451  
 Bembridge, T., 414  
 Bench, J., 338  
 Benham, J., 127  
 Benjamin, A., 171  
 — B., 441  
 — E., 138  
 — J. D., 130  
 Bennet, J., 234  
 Bennett, J. S., 446  
 — J., 454  
 — C. H., 114  
 — E., 414  
 — E. T., 247  
 — G., 451  
 — H., 22  
 — J., 298  
 — M., 23  
 — S., 406  
 — T. A. Y., 400  
 — T. T., 362  
 — W., 55  
 — W. H., 217  
 — W. P., 114  
 — W. M., & Rogers, H. J. W., 38  
 Benna, W., 362  
 Bensley, G. D., 387  
 Benson, J., 271  
 — J., 42  
 — S., 80  
 Bentley, G., 247  
 Benton, F. W., 174  
 — T., 467  
 Benton, T., 470  
 Benyon, W., 127  
 Berens, A. F., 271  
 Berensford, A., 58  
 — J., 52  
 — J., 163  
 Bernah, A. W., 200  
 Berner, J. C., 231  
 Berrett, J., 210  
 Berry, J., 142  
 — J., 210  
 — J., 367  
 — N., 122  
 — S., 46  
 — W., 287  
 Besley, G., 190  
 Best, J., 114  
 — J., 279  
 — J. W., 23  
 Bethway, R., 114  
 Bettleley, P., & Bettleley, W., 415  
 Bettlebridge, C., 230  
 Bettinson, G., 467  
 Bevan, A., 234  
 — J., 338  
 Bew, A. G., 231  
 Bew, W., 15  
 Bianca, N. C., 18  
 Blaich, F., 263  
 Blaconi, C., 290  
 Bibby, G., 87  
 Bicherton, B., 64  
 Bickell, T. K., 58  
 Bickerdike, J., 174  
 Bickley, J., 90  
 — W., 343  
 Hicknell, C., 174  
 Bidder, B. F., 171  
 Biddick, W. H., 290  
 Biddle, G., 127  
 Bidwell, W., 467  
 Bigglestone, E., 182  
 Signell, A. A., 362  
 — E. S., 70  
 — J., 360  
 Biggs, H. G., 171  
 — J., 76  
 Bilby, W., 130  
 Billett, W., 382  
 Billinge, J., 130  
 Billingham, J. H., 18  
 Billington, C., 67  
 — R., 380  
 Bilton, J., 222  
 Bingham, G., 78  
 Binka, W., 67  
 Binnell, H., 351  
 Binna, A., 174  
 — I., 114  
 — J., 422  
 — J., & Binna, J., 426  
 Birch, W. T., 200  
 Birchall, J., 68  
 Bird, D., 362  
 — I., 155  
 — J., 279  
 — T., 346  
 — W., 319  
 Birkett, J., 260  
 Birkinshaw, R., 446  
 Birks, S., 271  
 Birtwhistle, D., 67  
 — J., 470  
 — T., 234  
 Blah, G., 218  
 Bishop, C. R., 308  
 — G., 90  
 — J., 99  
 — S. A., 390  
 — T., 258  
 — W., 327  
 Bissell, J. N., 76  
 Biat, A. T., 314  
 Bilton, W. D., 46  
 Bivand, T., 411  
 Black, J., 102  
 — J., 194  
 — J., 346  
 — T., 287  
 — W. H., 274  
 Blackburn, R., 200  
 — R., 254  
 — W., 15  
 Blagburn, J. J., & Blagburn, R., 110  
 Blackman, H., 15  
 Blackmore, A., 110  
 — T., 311  
 Blackwell, R., 99  
 — W., 454  
 Blackwood, A., 314  
 Blair, A., 114  
 — T., 354  
 Blaise, T., 154  
 Blake, F., 70  
 — J., 114  
 — J., 119  
 — J. A., 166  
 — J. G., & Blake, R., 43  
 Blake, M., 322  
 — T., 139  
 — T., 179  
 Blakemore, J., 163  
 Blaker, W., 382  
 Blakston, A. B., 282  
 Blanchard, J., 290  
 — S., 99  
 — W., 99  
 Blaney, J., 194  
 Blasby, B., 210  
 Blatch, T., 426  
 Blatchford, R., 338  
 Blatherwick, W. C., 150  
 Blaxland, J., 242  
 Bleasdale, W., 322  
 Biech, H. F., 78  
 Bienkarn, A. B., 66  
 Blennerhassett, E., 22  
 Blithyn, C., 23  
 Blewitt, W., 400  
 Blight, P., 104  
 Bliss, C., 359  
 — D., 58  
 Blomfield, I. S., 327  
 Blondeau, F., 158  
 Bloomfield, M., 191  
 Bloxam, A. B., 338  
 Bluck, E., 242  
 Blumenthal, S., 46  
 Blundell, T., 102  
 Blunson, C., 155  
 Blyde, G., 362  
 Blyth, F. E., 171  
 Boak, A., 390  
 Board, C., 158  
 — C. T., & Irving, J., 2  
 — C. T., & Ivimy, J., 10  
 — G., 207  
 — G. S., 179  
 Boardman, R., 43  
 — R., 55  
 Rocking, C., 58  
 Boddington, E. H., 171  
 — F. A., 446  
 Boddy, G., 454  
 Bode, C. G., 38  
 Boffey, I., & Boffey, W., 67  
 — W., 182  
 Boldock, J., 219  
 Boltingbroke, J., 194  
 Bolton, G., 442  
 — J., 35  
 — J., 295  
 Bolzani, W., 274  
 Bond, E., 150  
 — H., & Whellams, C., 210  
 — J., 42  
 — R., 271  
 Bone, E., 414  
 — G. A., 370  
 — T., 150  
 Bonham, H., 155  
 — H., 158  
 Bonnetto, J., 426  
 Book, J., 295  
 Boorman, J., 406  
 Booth, E., 59  
 — E., 111  
 — J., 171  
 — J., & Wrigley, T., 319  
 — T., 403  
 — T. B., 271  
 — W., 118  
 — W., 446  
 Boothroyd, H., 351  
 Borchardt, M., 174  
 Boreham, J., 335  
 Borer, C., 162  
 — C. H., 130  
 — J. M., 10  
 Borey, G., 310  
 Borrell, R., 311  
 Borsay, J., 194  
 Bosley, M. A., 422  
 Bosquet, A. E. M., & Howell, J. A., 147  
 Bostock, R., & Earp, C., 335  
 Bothroyd, R., 70  
 Bottomley, J., 370  
 — J., 422  
 Botwood, B., 290  
 Boucher, J., & Boucher, T., 274  
 Boucault, D., 250  
 Bough, S., 255  
 Boulding, E., 351  
 — W., 68  
 Boulton, J., 339  
 Boulton, J. B., 166  
 Boundy, T., 174  
 Bouneville, A. J., 274  
 Bounford, R., 158  
 Bourner, C., 222  
 Bourne, J., 239  
 Bousfield, C., 271  
 Box, J., 102  
 — S., 290  
 Boxall, A., 78  
 Bowater, J., 446  
 Bowden, J., 99  
 — J., 414  
 — W., 200  
 — W. H., 76  
 — W. R., 158  
 Bowen, A. P. H., 306  
 — M., 76  
 — W. D., 311  
 Bowers, E., 295  
 — S., 403  
 — W. H., 166  
 Bowes, G., 451  
 Bowles, G., 460  
 Bowring, T., 446  
 Bows, A., 330  
 Boycott, R., 166  
 Boyton, T., 18  
 Boyers, D., 319  
 — J., 406  
 Boyle, R., 271  
 — W., 35  
 Boyt, W. H., 182  
 Bracegirdle, S., 58  
 Bracewell, J., 270  
 Bracher, E., 346  
 Bradbury, E., 351  
 — G., 166  
 Bradby, A. G., 422  
 Bradfield, M., 18  
 Bradford, J., 114  
 — W., 239  
 Bradley, C., 295  
 — J., 396  
 — J., 337  
 Bradney, T., 298  
 — W., 87  
 Bradshaw, T., 182  
 Bragg, G., 147  
 — R., 78  
 Braham, N. H., 130  
 Brain, F., 298  
 Braines, R., 357  
 Braithwaite, A. G., 190  
 — J. W., 18  
 Brake, C. J., 87  
 — F., 54  
 Brampton, W., 239  
 Branch, R., 250  
 Brand, S., 338  
 Brandon, J., & Noah, R. P., 338  
 — J., 76  
 Branscombe, E., & Page, A., 406  
 Brant, T., 362  
 Brantingham, J., 467  
 Branton, T., 346  
 Bratt, J., 359  
 — W. A., 258  
 Bravery, G., 119  
 Bray, J., 411  
 — R., 10  
 — W. C., 426  
 Brasier, F. G., 182  
 — J., 87  
 Breach, J., 58  
 Breddon, J., 182  
 Bregazzi, R., 366  
 Brendridge, E. R., 242  
 Brennan, J., 362  
 — S., 298  
 Breton, C., 26  
 Brett, D., 87  
 Brewer, H., 250  
 Brewster, A., 451  
 — J. R., 282  
 — R., 467  
 — T., 351  
 Briant, G. H., 454  
 Brice, H., 247  
 — J., 15  
 Bridges, J., 7  
 Bridgman, G. T., 442  
 Brien, J., 147  
 Brier, J., 287  
 Brierley, H., 35  
 Brigen, H., 322  
 — R., 274  
 Briggs, A., 378  
 — J., 280  
 Bright, C., 479  
 Brightman, J., 362  
 Brind, R., 162  
 — W., 34  
 Brine, C., 454  
 Brindle, J. L., 426  
 Bringle, J., 287  
 Bristow, G., 34  
 — G., 155  
 — I., 191  
 Brittain, C., 395  
 — H., 362  
 — W., 194  
 Broad, H., & Broad, E., 250  
 Broadbent, R., 65  
 Broadhead, G., 130  
 Broadheads, J., 470  
 Broadhouse, T., 354  
 Broadhurst, H., 174  
 — J., 378  
 Broek, R., 322  
 Brockbank, J., 46  
 Brockhurst, J. T., 76  
 Brockley, J., 314  
 Brodie, A., 367  
 Brogan, J., 232  
 Brook, C., 322  
 — E., 467  
 — F., 256  
 — H., 441  
 — J., 174  
 — J., 446  
 — J., & Monk, E. T., 403  
 Brookes, F. L., 70  
 — H., 119  
 — J., 130  
 Brooker, E., 55  
 — J., 314  
 — S., 335  
 — S., 335  
 Brooks, C., 218  
 — C., 467  
 — M., 123  
 — T., 194  
 — W., 247  
 — W., 398  
 — W., 479  
 Broom, H., 219  
 Broomhall, E., 35  
 Broomhead, S. G., 242  
 Brough, F., 43  
 Broughton, J., 55  
 — W., 119  
 — W., 280  
 Brown, B., 78  
 — C., 335  
 — C., 378  
 — C., 403  
 — E., 46  
 — E., 231  
 — E., 322  
 — E. J., 155  
 — G., 338  
 — G., 346  
 — G., 378  
 — G. T., 182  
 — H., 10  
 — H. K., 42  
 — H., 87  
 — J., 18  
 — J., 66  
 — J., 76  
 — J., 296  
 — J., 298  
 — J., 314  
 — J., 367  
 — J., 368  
 — J., 411  
 — J. B., 174  
 — J. F., 18  
 — Rev. J. H., 166  
 — J. H., 242  
 — J. N., 2  
 — M., 343  
 — N., 305  
 — R., 130  
 — R., 403  
 — R., 479  
 — S., 130  
 — S., 298  
 — S., 362  
 — S., 467  
 — T., 390  
 — T., 467  
 — T. W., 142  
 — W., 2  
 — W., 114  
 — W., 139  
 — W., 180  
 — W., 155  
 — W., 247  
 — W., 362  
 Brownbridge, E., 76  
 Browne, A., 274  
 — H. B., 232  
 — J., 35  
 — J., 232  
 — R., 370  
 Browning, W. G., 122  
 Brownlow, J. R., 130  
 Brownson, T. R., 210  
 Brounle, C., 26  
 Bruce, G. B., 202  
 Brundell, T., 99  
 Brunson, G., 258  
 Brunt, J., 182  
 Brunton, R., 42  
 Bruster, W. M., 295  
 Brutton, C., 462  
 Bryan, G., 2  
 — J., 130  
 — R. S., 130  
 — R. S., 130  
 Bryant, A. H., 250  
 — B., 451  
 — E., 411  
 — G., 467  
 — J., 314  
 Bryson, G., 87  
 — J., 43  
 Bubb, J., 335  
 Buck, B., 7  
 — J., 9  
 Buckingham, G., 298  
 — H., 122  
 Buckley, J., 406  
 — S., 367  
 — T. R., 179  
 Bucuria, E., 67  
 Budge, W. S., 446  
 Bugbee, G., 222  
 Bugden, T., 414  
 Bugler, G., 162  
 Bull, F., 319  
 — G., 78  
 — G., 202  
 — T., 163  
 — T. S., 306  
 — W. E., 266  
 Bullen, J., 43  
 Bullen, W., 263  
 Bullimore, W., 39  
 Bullivant, F., 387  
 — G. H., 250  
 Bumby, G., 166  
 Bunbury, D., 10  
 Buncombe, R., 38  
 Bunnell, J., 242  
 Bunning, E., 303  
 Bunting, F., 179  
 — N., 255  
 Burbery, T., 422  
 Burbrow, T., 166  
 Burchett, G., 90  
 — H. F., 414  
 Burd, J. W., 130  
 Burden, J. H., 378  
 — J., 18  
 Burdett, E. H., 90  
 — E. H., 127  
 Burdikin, J., 446  
 Burge, R., 236  
 — S., 18  
 — W. J., 78  
 Burgess, G. T., 470  
 — J., 130  
 — T., 222  
 — W., 314  
 Burgoine, J., 303  
 Burgoine, T. H., 467  
 — W., 67  
 — W. H., 370  
 Burke, E. D., 38  
 Burkes, J., 90  
 Burkinshaw, G., 200  
 — T., 230  
 — T., 242  
 Burkitt, G., 118  
 — J. L., 255  
 — J. L., & Poole, W. S., 279  
 Burkley, A., 239  
 Barling, J., 362  
 Burman, J., 76  
 Burn, G., 122  
 — W., 194  
 Burnard, R., 411  
 Burnard, N. N., 70  
 — W. M., 190  
 Burne, G. L., 346  
 Burnell, R., 387  
 Burnett, C. P., 43  
 — J., 179  
 Burnham, J., 200  
 Burningham, J., 290  
 Burnish, H., 90  
 Burnley, A., 460  
 Burns, J., 159  
 — J., 343  
 — M., 230  
 — T., 70  
 — W., 155  
 Burr, W., 398  
 Burrell, J., & Jennings, S. S., 338  
 Burridge, A., 354  
 — J., 2  
 Burrill, J., 78  
 Burroughs, J. P., 287  
 — T. P., 250  
 Burrow, R., 263  
 Burrows, J., 46  
 — J., 158  
 — J., 351  
 — T., 22  
 — W., 255  
 — W. F., 422  
 Burslem, G. J., 426  
 Burt, H., 314  
 Burton, A. J., 155  
 — C., 166  
 — E., 102  
 — E., 250  
 — F., 130  
 — H., 338  
 — J., 23  
 — J., 274  
 — J., 279  
 — J., 368  
 — R., 181

Burton, R. W., 122	Carr, L., 242	Cheetham, S., & Den-	Clifton, R. C., 179	Cooke, F. W., 395	Cox, W., 96
— T., 239	— T., & Robinson,	— H., 395	Clippingsdale, J., 78	— G., 163	— W., 266
— W., 171	— P., 462	— W. H., 67	Cliphams, J., 18	— G., 306	— W., 271
— W., 297	— T. L., 300	Chennell, G. K., 18	Clixby, E., 202	— H. W., 182	Coxon, T. O., 163
— W., 390	— W., 446	Chester, J., 293	— H., 90	— J. P., 311	Crabtree, C., 207
Busbridge, W., 479	— W., 451	Chesterman, G., 38	Clode, C., 202	— M. T., 149	— G. C., 441
Busby, W., 114	Carrall, H., 67	Chesteron, T., 274	Close, T., 191	— M. T., 330	— J., 354
Buscull, G. G., 200	Carrick, J., 247	Chesworth, H., 411	Clough, I., 446	— R., 7	Cracknell, T., 414
Bush, A., 163	Carruthers, D., 298	Chichester, G. A. H.,	— J., 311	— T., 43	Craddock, J., 363
— J., 242	— J., 382	155	— W., 446	— W., 222	— W. E., 340
— J., 266	Carter, A., 55	Chick, J., 298	Clowes, B., 330	Cooley, W., 470	Craft, H., 163
— T. S., 398	— A. A., 314	Chiffney, W. M., 70	Cluatom, E. T., 78	Coombes, E., 454	Craggs, G., 463
Bu-hell, A., 111	— G., 43	Child, A. W., 34	Clyne, S., 207	— J., 311	— S., & Craggs, J.,
— J., 467	— G., 139	— G. H., 370	Coale, R., 67	Coombes, A., 330	429
Buswell, F., 234	— J., 22	— J., 298	Coates, J., 403	Cooper, C., 271	Craig, R., 142
Butcher, A., 298	— J., 58	— W. H., 426	Coathupe, H. B., 403	— C. D., 247	— R., 222
— F. L., 78	— J., 58	Childs, J., 23	Cobb, J., 403	— C. W., 58	Crane, A., 130
Butler, C. E., 303	— J., 162	Chilton, H., 451	Cock, H., 76	— E. W., 194	Crank, S., 247
— E. H., 126	— J., 210	— W., 350	— T., 43	— G., 163	Crapp, F., 378
— E. H., 174	— J., 319	Chilver, C., 174	— T., 43	— G. H., 479	Craven, J., 290
— F. M., 38	— S., 150	Chinn, E., 78	— T., 43	— H. R., 411	— T., 250
— H., 102	— W. T., 231	— J., 23	Cockbain, W., 70	— J., 15	Crawford, H. E., 334
— H., 179	Cartledge, J., 263	— J., 174	Cockburn, E., 426	— J., 87	— T., 462
— H., 335	Cartledge, J., 163	Chipperfield, T., 130	— Rev. G. A., 171	— J., 130	Cream, P., 479
— J., 38	Carver, F. L., & Car-	Chirm, F., 7	Cockell, W., 171	— J., 234	Creasey, J., 182
— J., 147	ver, G. S., 454	Chittenden, W. H., 75	Cocks, J., 190	— J., 234	Creasy, W., 298
— J., 155	— J., & Barber, E.	Chitty, C., 370	Codd, E. S., 202	— J., 290	Crear, T., 102
— J., 219	A., 127	Choimet, A., 290	Coffey, J. A., 378	— J., 330	Creep, C. G., 87
— M. A., 290	Cartwright, J. N., 174	Chown, R., 10	Cogswell, H. D., 111	— J. T., 338	Crees, B., 414
— S., 422	— W., & Wilcox, J.	Christ, J., 382	Cohen, A., 279	— P., 454	Cress, M., 338
— T., 330	P., 46	Christmas, C., 119	— E., 174	— R. F., 155	Crick, G., 46
Butt, G., 290	Cary, A., 463	Christy, A., 303	— H. L., 406	— T., 10	Crighon, W., & Tegg,
Butterworth, H., 194	Case, R., 4	Church, D., 206	— J., 26	— T. P., 222	T., & Carter, G., 122
Buttery, H., 360	— W. H., 267	— G. F., 46	— J., 26	— W., 122	Crinage, M., 355
Buxton, A., 390	Casey, F., 38	— H. W., 199	Colborn, C., 314	— W., 283	Cripps, G. F., 210
— J., 32	Casper, I. G., 426	Churchill, A. R. G.,	Coldicott, W., 150	— W., 283	Crisp, R. H., 247
Byrd, T., 234	Case, E. J., 67	170	Cole, C., 114	— W., 283	Critchlow, J., 43
Brown, H., 451	Cassell, B., 378	Churchyard, J., 102	— J. W., 26	— H., 454	Crocker, J., 230
— W., 351	Cassidy, J., 67	— R., 23	— O., 210	— J., 46	Crockford, R., 38
Bywater, J., 414	Casson, J., 250	Chute, J. C., 200	— S., 67	— W., 157	Croft, E. S., 87
C.	Cattle, T., 287	Clancy, P. J., 142	— T., 41	— W. G., 247	Crompton, E., 10
Cadby, G. F., 15	Castleton, F. T., 258	Clapton, H., 139	— W. H., 279	— W. G., 247	Cronin, P., 271
Caddick, R., 266	Caswell, J., 406	Clarebrough, W., 46	Colebourn, J., 330	— W. G., 247	Crook, G., 335
Cadogan, H., 282	Catchpole, R., 359	Clark, A. W., 190	Coleby, E., 411	— J., & Crook, T.,	111
Cadwell, D., 362	Cater, C., 192	— C., 23	Coleman, E., & Cole-	— J., & Crook, T.,	111
Caffrey, W., 182	Catley, T., 179	— C., 382	man, E. C., 314	— J., & Crook, T.,	111
Cable, J., 367	Caton, G., 274	— H., 311	— T., 147	— J., & Crook, T.,	111
Cable, E., 319	Catt, A., 99	— J., 81	— J., 147	— J., & Crook, T.,	111
Calthness, H., 354	— J., 43	— J., 90	— J., 147	— J., & Crook, T.,	111
Cadwell, S., 26	Catterson, J., 122	— J., 99	— J., 147	— J., & Crook, T.,	111
Caladine, T., 166	Cattle, I., 179	— J., 210	— J., 147	— J., & Crook, T.,	111
Calkin, G. A., 247	Cave, J., 150	— J., 271	— J., 147	— J., & Crook, T.,	111
Callaghan, J., 360	— W. T., 441	— J., 350	— J., 147	— J., & Crook, T.,	111
Callaway, W., 147	Cavill, G., 303	— J. B., 242	— J., 147	— J., & Crook, T.,	111
Callow, B., 219	Cawood, A. J., 242	— R., 158	— J., 147	— J., & Crook, T.,	111
— E., 286	Celleur, A., 290	— T., 210	— J., 147	— J., & Crook, T.,	111
— J., 85	Chabry, N., 234	— T., 314	— J., 147	— J., & Crook, T.,	111
— J., 222	Chadaway, C., &	— T., 38	— J., 147	— J., & Crook, T.,	111
Calver, J. W., 90	Grange, R., 338	— W., 414	— J., 147	— J., & Crook, T.,	111
Calvert, G., 393	Chadbon, J., 282	— W. J., 15	— J., 147	— J., & Crook, T.,	111
— I., 26	Chadwick, E., 2	— C., 18	— J., 147	— J., & Crook, T.,	111
— J., 396	— J. W., 330	— C., 200	— J., 147	— J., & Crook, T.,	111
— T. L., 330	Chaffer, J., 287	— C., 406	— J., 147	— J., & Crook, T.,	111
Cambell, G. E., 210	— W., 139	— C. K., 70	— J., 147	— J., & Crook, T.,	111
Campbell, C. S., 142	Chamberlain, S., 38	— E., 200	— J., 147	— J., & Crook, T.,	111
— G. E., 302	— S., 396	— E. W., 446	— J., 147	— J., & Crook, T.,	111
— L., 10	— T., 126	— F., & Stride, S. E.,	— J., 147	— J., & Crook, T.,	111
Cambry, W., 142	Chambers, G., 46	311	— J., 147	— J., & Crook, T.,	111
Cambridge, C., 142	— H. H., 122	— F., 150	— J., 147	— J., & Crook, T.,	111
Cameron, A. W., 258	— J., 171	— F. R. J. P., 78	— J., 147	— J., & Crook, T.,	111
— E. A., 454	— J., 306	— G., 388	— J., 147	— J., & Crook, T.,	111
— J., 234	— W. K., 451	— H. J., 462	— J., 147	— J., & Crook, T.,	111
— W., 467	Champion, R. W., 78	— J., 58	— J., 147	— J., & Crook, T.,	111
Canon, J., 126	— J., 411	— J., 67	— J., 147	— J., & Crook, T.,	111
— M., 242	— T., 190	— J., 70	— J., 147	— J., & Crook, T.,	111
Canning, T., 58	Chandler, K., 306	— J., 76	— J., 147	— J., & Crook, T.,	111
Cannon, F., 470	— P. J., 370	— J., 382	— J., 147	— J., & Crook, T.,	111
— J., 179	Channon, J., 414	— J. B., 346	— J., 147	— J., & Crook, T.,	111
Cannot, A. C., 56	Chanter, C. A., 359	— J. T., 179	— J., 147	— J., & Crook, T.,	111
Cansfield, G., 26	— J., 387	— R., 322	— J., 147	— J., & Crook, T.,	111
Cant, G. W., & Cant,	Chantler, W., 311	— R. L., 174	— J., 147	— J., & Crook, T.,	111
F., 171	— W., 442	— S., 102	— J., 147	— J., & Crook, T.,	111
Cape, C., 280	Chaplin, H., 76	— W., 7	— J., 147	— J., & Crook, T.,	111
Capes, G. B., 222	— J., 67	— W., 266	— J., 147	— J., & Crook, T.,	111
— G., 370	Chapman, C., 174	— W., 354	— J., 147	— J., & Crook, T.,	111
Cappel, G., 54	— C., 370	— W., 354	— J., 147	— J., & Crook, T.,	111
Careless, S., 462	— E., 139	— W., 354	— J., 147	— J., & Crook, T.,	111
Carew, J., 346	— E., 263	— W., 354	— J., 147	— J., & Crook, T.,	111
Cargill, J. H., 26	— J., 194	— W., 354	— J., 147	— J., & Crook, T.,	111
Carlisle, J., 150	— J. M., 231	— W., 354	— J., 147	— J., & Crook, T.,	111
Carman, R., 106	— M., 46	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmon, W. H., 2	— T., 10	— W., 354	— J., 147	— J., & Crook, T.,	111
Carnall, J., 389	— W., 118	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— W. C., 280	— W., 354	— J., 147	— J., & Crook, T.,	111
Carnall, J., 389	— Z., 199	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charles, F. W. H., 282	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— J., 327	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— T. F., 114	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	Charlesworth, M., 303	— W., 354	— J., 147	— J., & Crook, T.,	111
Carmont, W. H., 2	— P., 147	— W., 35			



- Curtis, W., 468  
Cushing, S., 194  
Cushion, J., 298  
Cutbill, F. E., & Cutbill, S., 179  
Cuthbert, T., 90  
Cutler, A., 414  
— G. & Ede, R. E., 446  
Cutting, W. A., 127  
Cutts, J. O., 139
- D.
- Dabron, G., 135  
Daft, P., 58  
Dagley, J., 411  
Daglish, J., 207  
Dahorn, G., 158  
Dalah, J., 329  
Dakey, B. B., 327  
Dakin, B., 78  
Dalby, W., 78  
Dale, E. H., 158  
— H., 142  
— H., 287  
— J. U., 130  
— R. A., 274  
— W., 322  
Dalkin, J., 462  
Dally, D., 225  
Danby, G., 326  
Dance, E., 288  
Dancer, D. T., 462  
Dandy, W. H., 250  
Dane, D., 262  
Dancil, E., 446  
Danes, W., 234  
Daniell, D., 271  
Daniel, R., 162  
Daniels, H., 123  
Danks, D., 119  
— J., 163  
— T., 15  
Dann, W., 387  
Danson, R., 250  
Darby, S., 219  
Darbyshire, J., 378  
— T., 336  
Darch, C., 287  
Dardier, F. C., 255  
Dare, I., 306  
Dargue, H., 392  
Darley, T., 350  
Darlington, J., 179  
— W., 311  
Darnley, H., 378  
Darnacott, W. H., 322  
Darrall, J., 260  
Dash, W. H., 46  
Davenport, E. W., 367  
— W., 287  
Davey, J., 338  
— J. V., 182  
— T., 10  
David, C., 90  
David, J., 414  
Davids, H., 496  
Davidson, G., 378  
— J., 130  
Davies, C., 78  
— C. J., 155  
— E., 226  
— G. V., 361  
— H., 378  
— H. A., 76  
— H. J., 338  
— J., 292  
— J., 274  
— J., 282  
— J., 314  
— J., 370  
— J. O., 142  
— M., 132  
— R., 454  
— T., 80  
— T., 87  
— T., 290  
— T. N., 104  
— W., 42  
— W., 239  
— W., 263  
— W., 274  
— W., 382  
Davis, A., 385  
— C., 111  
— C., 235  
— C. H., 150  
— D., 271  
— E., 42  
— F., 428  
— F., 467  
— G., 130  
— G., 330  
— H., 38  
— H., 38  
— H. D., 292  
— H. H., 242  
— J., 23  
— J., 451  
— L., 209  
— M., 469
- Davis, R., 163  
— R., 330  
— R. C., 334  
— S., 43  
— T., 322  
— T., 346  
— T. D., 138  
Davies, J. P., & Seven, G. P., 102  
Daw, J., 338  
Dawber, P., 194  
Dawe, C., 338  
Dawes, A., 26  
— E., 179  
— H., 174  
— W., 470  
Daws, C. H., 496  
Dawson, G., 367  
— J., 311  
— J., 174  
— T., 20  
— W., 2  
— W., 414  
— W., 428  
Day, E., 367  
— F., 442  
— J., 55  
— J., 127  
— J., 174  
— J., 393  
— W., 67  
— W., 142  
— W. C., 210  
Deacon, J., 75  
Deady, J. H., 462  
Deakin, G., 191  
— J., & Deakin, E., 1  
Deal, A., 311  
— S., 46  
Dealey, G., 158  
Dean, F., 263  
— J., 67  
— J., 99  
— J., 295  
— T. L., 406  
— W., 114  
Deane, J. S., 78  
Dear, N., 256  
Dearden, G., 242  
Deason, T., 271  
De Blaquiere, R. M., 390  
De Chantal, P. J. B., 279  
Dedlow, L., 322  
Dee, W. H., 7  
De Fernex, V., 202  
De Fleury, J. V., 463  
Defries, H., 300  
De Gerard, C. J., 322  
Deighton, G., 150  
Delacourt, J., 76  
Delf, D. W., 194  
— T., 314  
De Lisle, A. T., Janvren, F. W., Grasse, T. R., 114  
Deli, J., 10  
Dennant, F., 230  
— J., 130  
Denslow, T., 75  
Dennett, J., 446  
Dennet, C., 78  
Dennis, G., 127  
— H., & Cheetham, S., 395  
— S., 76  
Dent, J., 67  
Dentith, J., 282  
Denton, J., 90  
— N., 100  
Derbyshire, J., 102  
De Redder, M., 174  
Derrick, J., 322  
Derry, H., 234  
Derk, C., 406  
De Silver, E. C., 330  
Desplan, H., 479  
Devall, G., 274  
Devonald, J., 90  
Devonshire, E. K., 442  
De Weldycz, A. S., 10  
Dewey, G., 322  
Dewhurst, J., 90  
Dewis, G., 462  
Dey, G. W., 271  
Dibley, A. S. W., 367  
Dibley, J., 174  
Dick, P. W., 182  
Dickson, J., 31  
Dicker, W., 200  
Dickinson, C. S. A., 255  
— E., 114  
— P., 330  
— P., 470  
— R. C., 122  
— S. T., 296  
— W., 354  
Dickson, L. S., 330
- Dietrich, J., 234  
Dillon, C., 271  
Dilworth, J., 230  
Dimmock, C., 102  
Dines, W. H., 119  
Dines, C., 119  
Dinwoodie, J., 38  
Dircy, L., 66  
Dishley, T., 130  
Disney, A., 279  
Ditchburn, D. W., 242  
Dix, S., 67  
Dixon, A. W., 26  
— H., 414  
— J., 37  
— W., 322  
— W., 378  
Dobbins, G. J., 202  
— W., 238  
Dobbs, S., 78  
Dobson, C., 200  
— C., 295  
— J., 66  
— J., 451  
— R., 302  
Dockray, I., 35  
Dockrell, E., 199  
Dodd, B., 168  
— E., 414  
— G., 202  
Dodds, H., 346  
— J., 454  
Dodge, R. D., 87  
Dodgson, S., & Dodgson, J., 90  
Dodgson, T., 179  
Doel, J., 132  
Dohoo, G. C., 102  
Dolman, R., 38  
Donaldson, T., 359  
Donato, A., 142  
Doran, T. W., 338  
Dormer, R., 90  
Dorrington, N., 234  
— R. A., 155  
Dorwood, P., & Hawkes, G. B., 46  
Dotterill, J., 271  
Double, G. S., 287  
Douglas, B., 266  
— J. B., 194  
Douthwaite, R., 378  
Dove, J., 282  
Dowd, J. R., 403  
Dowell, W., 420  
Dowland, J., 451  
Down, E., 155  
— J., 318  
Downes, J. M., 338  
Downing, F., 15  
Dowsett, R., 90  
Doxey, W., 122  
Doyle, W., 467  
Drage, A., 335  
Drake, B., 274  
— J., 122  
— R. B., 385  
Drane, W. T., 197  
Dransfield, T., 118  
Draper, J. R., 412  
Drayton, F. G., 311  
Draper, T. M., 76  
Dreyer, C., 70  
Drew, H. T., 454  
— J., 442  
— T. H., 210  
Drewrey, J. S., 396  
Driffeld, C., 147  
Drinkall, I., 247  
Driver, E., 122  
— J., 280  
— J., 454  
Dronfield, J., 78  
Drosier, F., 234  
Drummond, R. H. W., 390  
— T. H., 330  
Drury, B. G., 351  
— B. J., 130  
— J., 395  
— R., 70  
Du Blaisel, E. M., 306  
Duck, M., 220  
Duckham, R., 119  
Dudley, J., 222  
Dudney, T., 190  
Duffield, F. B., 255  
Duggan, J., 43  
Duggitt, C., 150  
Dulvey, J., 174  
Dunbrill, J. N., 222  
Dunville, P. C., 470  
Duncombe, J., 446  
Dunderdale, W., 18  
Dunsey, W., 306  
Dunstan, J. S., 403  
Dunn, E. H., 311  
— G., 403  
— H., 76  
— H. C., 255  
— J., 382
- Dunn, M., 180  
— R., 122  
— S., 165  
Dunne, T., 147  
Dunne, G., 370  
Dunwell, S., 90  
Dupre, F., 250  
Durant, S., 454  
— T., 130  
Durell, W., 298  
Durk, F., 422  
Durham, J., 462  
— W., 67  
Durrant, R., 398  
Durrell, J., 2  
Dutton, T., 242  
Duxbury, T., 174  
Duyster, G., & Bailie, J. M., 200  
Dyer, M., 194  
— T., 446  
— W., 163  
— W., 258  
Dymont, L., 230  
Dyne, J., 210  
Dyson, C. Y., 191  
— G., 462  
— J., 314
- E.
- Eades, J., 182  
Eager, R., 102  
Ealand, T. H., 200  
Eardley, W., 462  
Earl, G., 406  
Earle, J., 414  
Earnshaw, J., 266  
— R., 26  
— T., 58  
— W., 454  
Earp, C., & Bostock, R., 335  
Easby, R., 255  
East, H., 34  
Easterbrook, J. T., 467  
— T. F., 99  
Eastwood, J., 55  
Eaton, E., 242  
— F., 210  
— J., 58  
— W., 102  
Eccles, A., 390  
— J., 412  
— M. O., 122  
Eckelstone, W., 34  
Eckersley, J., 102  
Ede, J., 470  
— R. E., & Cutler, G., 446  
Eden, A. F., 327  
Ederheim, M., 174  
Edgecombe, W. K., 38  
Edgecome, J., 234  
Edgerton, G., 222  
Edmonds, R., 54  
Edmonds, L., 199  
— J., 58  
Edmondson, C., 7  
— J., 130  
— J., 354  
Edmunds, J., 26  
— J., 206  
Edson, G., 174  
— J., 7  
Edwards, A., 182  
— C., 250  
— E., 55  
— E., 182  
— E., 182  
— E., 266  
— G., 58  
— G., 343  
— H., 279  
— H., 338  
— J., 15  
— J., 35  
— J., 46  
— J., 55  
— J. L., 300  
— J. R., 462  
— P., 18  
— P., 122  
— R., 242  
— R., 403  
— S., 359  
— T., 90  
— T., 100  
— T., 102  
— T., 150  
— T., 179  
— W., 242  
— W., 460  
— W. G., 182  
— W. M., 15  
Edey, J., 174  
Edey, S., 68  
Edey, E., 155  
Eisenstein, W., 303  
Ekins, J., 75
- Eland, H., 55  
Eloek, W. C., 171  
Eldrid, E. H., 100  
Eldridge, J., 351  
Elgar, G. L., 199  
Elmg, C., 26  
Elkins, H., 359  
Elkington, A., 274  
Elley, C., 303  
Elliot, J., 388  
— W., 271  
Elliott, C. G., 462  
— E. W., 422  
— R., 387  
— R. S., 311  
— R. W., 126  
— T., 451  
— W., 219  
— W., 274  
— W. C. P., 210  
Ellis, E. G., 242  
— G., 258  
— G., 414  
— G. J., 142  
— J., 10  
— J., 43  
— J., 126  
— J., 174  
— J., 200  
— J., 298  
— J., 327  
— J. D., 274  
— M., 462  
— S., 442  
— W., 15  
— W., 11  
— W. W., 174  
Ellison, M. L., 2  
Ellison, R., 279  
Elmes, F., 362  
Elphes, H., 314  
Elden, J., 207  
Eldon, T., 171  
Elton, J., 258  
Elton, T., 319  
Embrerton, T., 378  
Emerson, J., 76  
— M., 338  
Emery, J., 239  
— S. A., 242  
Empson, C. R., 234  
— T., 179  
Endear, J. P., 155  
England, J., 182  
— J., 411  
— S., 232  
Engleheart, B. O., 162  
English, A., 306  
— J., 451  
Ensby, F., 58  
Entwistle, J., 414  
Epps, W. J., 343  
Eram, W., 378  
Eaton, F., 378  
Etherington, H. W., 470  
Euders, J., 75  
Evans, E., 396  
— E., 240  
— G., 55  
— G., 130  
— G., 174  
— G. T., 387  
— H., 416  
— I., 200  
— J., 55  
— J., 76  
— J., 122  
— J., 147  
— J., 242  
— J., 327  
— J., 411  
— J., 442  
— O., 315  
— R., 219  
— R., 297  
— R. E., 306  
— S. N., 219  
— T., 90  
— T., 971  
— T., 451  
— T. W., 202  
— W., 191  
— W., 245  
Evanson, R. T., 426  
Everall, C., 247  
Everard, J., 263  
Everett, A. J., & Stowell, E., 274  
— G., 194  
— G., 406  
Everist, A., 182  
Everitt, W., 354  
Eves, F., 467  
Eveson, J., & Eveson, I., 314  
Ewens, H., 378  
Exley, G., 282  
— W., 100  
Eyre, C., 234  
— J., 290
- Eyre, J., & Walker, W., 179  
— S. R., 454
- F.
- Fairbairn, J. B., 271  
Fairbrother, H., 239  
— J., 207  
Fairburn, R., 406  
Fairchild, J., 7  
Fairry, T., 114  
Fairhall, M., 130  
Falkner, J., 87  
Falvey, E., 311  
Farley, C. R., 67  
Farnborough, W., 155  
Farmer, G., 406  
— J., 242  
— J., 322  
— T. G., 454  
Farnell, J. K., 158  
Farnham, W., 258  
Farr, S., 90  
Farrall, J., 303  
Farrance, J., 311  
Farrand, J., 330  
Farrar, F. A., 274  
— J., 326  
Farrell, P. J., 271  
Farrer, E., 247  
Farrington, J., 218  
Faulkner, G., 127  
— T., 318  
Favaretti, A., 158  
— A. A., 467  
Fawcett, H., 130  
— J., 18  
Fay, M., 155  
Fayers, G., 467  
Fear, E. M., 311  
Fearby, S., 422  
Fearley, G., 271  
— J., 171  
— S., 390  
Featherstonhaugh, W., 250  
Feild, H., 182  
— H., 210  
Feldwick, G., 311  
Felton, T., 250  
Fennott, J., 46  
Fenn, J. F., 229  
Feuton, E., 58  
— W., 387  
Ferguson, G., 43  
— W. D., 118  
Ferguson, W. H., 242  
Fernor, J., 66  
Fern, J., 78  
Ferns, T., 87  
Ferris, E. F., & Hunter, A. G., 202  
— J., 43  
Feasting, M., 218  
Fest, J., 388  
Fether, E., 182  
— G. E., 194  
— J., 222  
— W., 319  
Fielden, J., 166  
Fieldier, J., 314  
Fieldhouse, J., 343  
Fielding, W., 76  
Fields, R., 100  
— W. J., 158  
Fille, W. L., 351  
Fildes, T., 446  
Fildew, H., 330  
Filmer, T., 10  
Finch, F. J., 362  
— J., 55  
— J., 454  
Fincham, T., 90  
Finckenstadt, E., 306  
Findon, W., 454  
Finglass, C., 36  
Finlay, A. H., 22  
Finlayson, D., 274  
Finn, G., 398  
Finner, J., 42  
Firby, G., 90  
Firmen, B. St. J., 230  
— J. C., 23  
Firminger, E. H. P., 7  
Fisher, J. M., 102  
Fish, M. A., 18  
Fishburn, G., 114  
Fisher, E., 114  
— G., 346  
— J., 29  
— J., 150  
— J., 130  
— J., 222  
— J., 327  
— J. E., 170  
— J. J., 76  
— K., 268

- Fisher, R., 335  
— R. & Fisher, W., 422  
— T., 498  
Fisk, W. R., 150  
Fitch, W., 185  
Fitch, S. H., & Carr, E. J., 322  
Fitchett, R. T., 160  
Fitter, T., 208  
Fitzon, J. H., 155  
Flis, J., 126  
Fitzgerald, M., 314  
Fivash, H., 34  
Flanagan, J., 23  
Flather, A., 200  
Flay, E., 2  
Fleet, B., 308  
Fleming, J., 102  
Flemming, T., 234  
Fliegeltaub, A. D., 68  
Fletcher, C., 411  
— C. J. F., 78  
— E., 268  
— J., 171  
— J. C., 414  
— J. G., 147  
— J. T., 210  
— R., 467  
— T., 234  
— T., 370  
— T., 382  
— W., 343  
— W., 454  
Flewcllen, J., 231  
Flewitt, T., 127  
Floyd, J., 287  
Floyd, J., 279  
Finn, J., 362  
Flint, C., 142  
— R., 326  
— S., 274  
Flitcroft, J., 470  
Floesch, F., 448  
Flond, J., 122  
— W., 122  
Flower, C. O., 354  
— T., 182  
— W., 182  
Flowers, J., 122  
Floyd, J., 166  
— J., 229  
Fluck, C., 242  
Fluenter, J., 446  
Fogden, G., 78  
Foley, E. A., 70  
— J., 263  
Follett, R., 35  
Folthorp, R., 38  
Ford, J. W., 127  
— R. J., 2  
— T., 43  
Foot, A. C., 403  
— W., 470  
Foothead, H. H., 35  
Forbes, A., 311  
— E., 351  
— J. A., 18  
Ford, F. C., 370  
— F. W., 202  
— J., 250  
— J., 322  
— L., 67  
— W., 174  
Forde, J., 194  
Fordham, G., 362  
Forrester, J., 188  
— J. D., 80  
— T., 232  
Fornbury, J., 174  
Forster, C. J. J., 78  
— C. J. J., 362  
— F., 34  
— J., 15  
— J., 126  
— J., 34  
— J., 242  
— R., 311  
— S., 228  
— T., 203  
Fort, W. C., 367  
Forsythe, J. E., 454  
Foster, C. H., 210  
— H., 467  
— J., 70  
— J., 167  
— S., & Wilson, W., 298  
— W., 7  
— W., 142  
Foulkes, E., 323  
— H., 25  
— H., 58  
— M., 258  
Fowles, O., 234  
Fowler, A., 147  
— E. H., 171  
— G., 90  
— G., 243  
— J. H., 142  
Fowler, O. H., 366  
— R., 126  
— S., 210  
— S., 266  
— T. E., 247  
— W. B., 130  
— W. R., 10  
Fowlston, C., 314  
— J., 119  
Fox, A., 387  
— C., 65  
— C., 390  
— C., 454  
— H. B., 290  
— J., 158  
— J., 295  
— J., 406  
— M., 470  
— M. J., 222  
Foxwell, U., 67  
Foy, R., 142  
Fraley, J., 414  
Frampton, G., 442  
France, J., 155  
— J., 393  
— T., 233  
Francis, E. C., 314  
— J., 245  
— T., & Park, M., 219  
Franklin, J. B., 271  
— P., 390  
— W., 219  
Franklin, J. T., 87  
— T., 202  
— T., 242  
Franklyn, J., 202  
Frappell, J. H., 100  
Fraser, E. W., 387  
— J., 426  
— R., 411  
Free, T., 314  
Frear, H., 240  
Freebody, J., 111  
Freegard, A., 100  
Freeman, A., 26  
— J., 348  
— J., & Snelling, F., 70  
French, D., 194  
— G., 43  
— G., 290  
— L., 130  
— J. W., 303  
— R. V., 122  
Friend, H., 395  
— J., 171  
— J., 225  
Frier, J. B., 202  
— J., 298  
Frimmer, A. F. R., 230  
Frisby, W. B., 327  
Fristhamel, J., 346  
Frith, J., 23  
Frost, E., 329  
— E. G., 240  
— G., 26  
— G., 362  
— J., 130  
— R. C., 240  
— S., 194  
— S., 282  
— T., 307  
— W., 166  
Frostick, W., 70  
Fry, R. T., 168  
Fryer, T. S., 46  
— W., 66  
Fullbeck, J., 250  
Fuller, J., 219  
— M. A., 206  
Fullwood, E., 242  
Fulton, J., 403  
Furness, G., 55  
— G., 303  
Furse, W., 454  
Fussey, R. A., 242  
G.  
Gabb, W., 311  
Gabbott, T., 351  
Gabbriel, M., 182  
Gabriclesen, G. P., 35  
Gadd, G., 150  
— W., 382  
Gadsby, D., 242  
Gadaden, W., 282  
Gaine, J., 46  
Gair, J., 280  
Galante, F. O. M., 227  
Galbraith, J. S., 467  
Gale, J., 462  
— J., 462  
— R., 64  
Galibert, C.; Galibert, T.; Galibert, A.; & Galibert, C., 42  
Gallafant, J., 70  
— J., 78  
Gallafant, A., 202  
Gallagher, J., 403  
Gallant, C. R., 26  
Galleux, J. N., 303  
Gallimore, C., 398  
Galloway, W., 191  
Galt, J. E., 106  
Galsini, A., 327  
Gambel, J. J., 330  
— J., 470  
Gamble, T., 470  
Garneson, J., 163  
Garnson, M., 46  
Garbett, J., 158  
Garcla, A., 70  
— D., 102  
Gardener, F. E., 258, 266  
Gardiner, J., 23  
— J., 222  
Gardner, C. E., 194  
— C. W., 75  
— H. A., 66  
— J., 46  
— P., 248  
— S., 403  
— T., 232  
— T. W., 122  
— T. W., 127  
— W., 238  
Garforth, H. S., 335  
Gargett, W., 87  
Garner, C. W., 179  
— G., 142  
— G., 206  
Garratt, O., 182  
— G. F., 142  
— J., 460  
— O., 240  
— S., 231  
— T., 234  
— W., 88  
Garrett, J., 114  
Garwood, J. C., 210  
Garside, H., 119  
— J., 87  
Garstin, M., 368  
Garward, W. W., 122  
Gashion, S., 102, 247  
Gaskell, J., 87  
— J., 330  
Gaskin, W., 155  
Gasson, J., 411  
Gate, W., 354  
Gauthern, W. G., 55  
Gavan, E., 414  
Gaven, J., 202  
Gaylard, T., 202  
Geach, J., 218  
Gedling, J., 406  
Geddes, J., 78  
— T., 58  
Gee, G., 194  
— J., 266  
Gelder, R., 222  
Gell, E., 462  
Geme, J. W., 202  
Gentle, J., 202  
George, A., 78  
— A., 87  
— W., 258  
— W., 306  
Gent, A., 300  
Gerard, A., 78  
— C., 219  
Gerde, C., 46  
Gerrard, W. J., 255  
Getley, H. S., 182  
Gibbins, A., 58  
— W., 362  
Gibbons, C., 247  
— H., 168  
Gibbs, H., 255  
— J., 42  
— J., 127  
— J., 139  
— J., 442  
— S., 58  
— W., 242  
— W., 255  
Gibson, C., 230  
— R., 158  
— R., 470  
— T., 222  
Giddens, C., 166  
Giddy, T. R., 306  
— T. R., 311  
Giffard, J., 102  
Gifford, H. J., 75  
Gilbert, J., 314  
— J., 403  
— T., 142  
Gilchrist, J., 222  
Gilder, C., 199  
Gilderthorpe, J., 327  
Giles, W. B., 282  
Gill, B., 390  
— H. Y., 38  
— J., 359  
— W., 68  
Gillard, W., 168  
— W., 306  
— R. L., 314  
Gillbee, H. A., 314  
Gillemand, L., 242  
Gillespie, R., 10  
Gillman, G., 78  
Gillman, J., 446  
Gillman, G. T., 156  
Gillman, J., 198  
Ginger, W. J., 462  
Giroud, R. L., 234  
Girvin, S., 247  
Gittins, J., 258  
Gittos, J., 295  
Gladwin, T. G., 102  
Glaholm, J., 462  
Glanfield, S., 119  
Glass, G. M., 322  
— W., 15  
Glosson, J., 18  
— J., 70  
Glaaspool, J. T., 220  
Gleave, J., 414  
Gledhill, A., 311  
— C., 155  
— J., 142  
— J. E., 232  
Glover, E. W., & Boulcott, J., 26  
— H., 370  
— J., 222  
Gloyn, R., 155  
Gontcher, P., 250  
Gobbi, P., & Gobbi, P., 127  
Gocher, J., 232  
Goddard, H., 330  
— J., 70  
Gondat, H., 406  
Godfrey, E., 38  
— J., 150  
Godoy, E. C. L., 268  
Godrie, C. F. L., 479  
Golder, H., 426  
Goldsmith, J., 319  
— M., 222  
Goldston, S., 207  
— S., 234  
Goldthorp, W., 225  
Golightly, J., 23  
Gollop, J. A., 234  
Gondie, R., 350  
Good, C., 34  
— G. F., 168  
— J., 311  
— W., 234  
Gooch, W., 46  
Goodaker, S., 271  
Goodall, G. H., 200  
— J., 46  
— H. M., 282  
— T., 222  
Gooden, D. F., 122  
Goode, S., 306  
— T. S., 282  
— W., 35  
Gooden, R., 442  
Gooder, W. F., 70  
Goodrich, J., 308  
Goodwin, F., 470  
— G., 467  
— H., 118  
— J., 200  
— W., 306  
Goodwood, J., 442  
Goold, A. A., 362  
Gooss, R., 26  
Goosmann, E. C. F., 422  
Gordon, C. H., 185  
— W., 446  
— W. C., 182  
Gore, J., 122  
Gorle, G., 150  
Gorton, A., 330  
— C. S., 335  
Gorvett, W., 7  
Goslin, J., 368  
Gosling, T., 242  
Goucher, J., 43  
Gough, R., 111  
— W., 147  
Gould, F. H., 414  
— G., 462  
Gouldsbrough, R., 122  
Gower, G., 130  
— J., 7  
— J. H., 250  
Gowing, J., 70  
Gowland, G., 15  
Grace, P., 119  
Graft, P. J., 411  
Graham, G., & Graham, G. I., 87  
— J., 120  
— J., 390  
Grainiger, E., 406  
— W., 234  
Grange, R., & Chadway, C., 338  
Granger, T., 155  
Grant, A., 247  
— R. L., 314  
Grantham, J. C., 210  
Grassie, T. R., Jan-  
vrm, F. W., & De  
Lisle, A. T., 114  
Gratton, E., 251  
Graves, J., 58  
— J., 122  
— K., 306  
Gray, A., 243  
— F., 338  
— H., 100  
— H., 114  
— J., 155  
— J., 207  
— J., 322  
— L. L., 354  
— T., 171  
— T., 451  
— W., 119  
— W., 212  
Grayer, J., 407  
Grayson, J., 351  
Grzebrook, W. J., 234  
Grasley, J., 7  
Greaves, W., 67  
Greaves, F., 87  
— J., 330  
— R., 46  
Green, D. S., 414  
— E., 150  
— F., 330  
— G., 127  
— G., 142  
— J., 7  
— J., 142  
— J., 395  
— M., 103  
— R., 138  
— S. J., 35  
— T., 18  
— T., 38  
— T., 142  
— T. W., 258  
— W., 2  
— W., 76  
— W. B. N., 102  
— W., 142  
— W., 274  
— W. B., 406  
Greenaway, J., 467  
Greenbury, J. C., 406  
— W., 35  
Greenfield, H., 247  
— M., 38  
Greenhalgh, E., 306  
Greenhead, G. F., 467  
Greenhill, R., 162  
Greenhouse, J., 366  
Greenman, R., 343  
Greenwood, T., 462  
— W., 263  
Greeham, H. A., 314  
Gregg, H., 46  
— J., 104  
— S., 282  
Gregory, C., 258  
— F., 2  
— F. H., 34  
— J., 343  
— J., 395  
Gregson, T., 208  
Greswell, W. K., 127  
Greves, J. E. H., 18  
Greville, C. W., 380  
Grey, C., 314  
Griddle, G., 76  
Grieves, W., 224  
Griffin, G. W., 15  
Griffis, G., 240  
Griffith, H., 370  
— T., 346  
— W., 346  
Griffiths, D., 15  
— E. & Griffiths, M., 360  
— G. C., 470  
— H., 64  
— I. N., 67  
— J., 2  
— J., 111  
— J., 378  
— J., 406  
— J., 467  
— J., & Griffiths, W., 406  
— R., 287  
— S., 15  
— T., 147  
— W., 306  
— W., 442  
— W., 423  
— W., 470  
— W. J., 340  
— W. R., 298  
Griggs, E. J., 78  
Grimes, S. F., 306  
— T., 338  
Grimsdale, H., 370  
Grinwood, J., 210  
Gridrod, A., 446  
Grinling, R., 32  
Grist, G., 370  
Grix, R. J., 367  
Grocott, T., 67  
Gronowsky, J., 814  
Grocock, J., 111  
Groom, E., 222  
— J., 60  
— J., 46  
Groom, J. P., 228  
Grove, S. J., 151  
Grover, T., 267  
Groves, H. G., 411  
— J., 158  
— M., 194  
Grylls, G., 194  
Guard, E., 274  
Guest, W., 200  
— W., 451  
Gulbillei, T. M., 89  
Gulchard, P. A. E., 422  
Gulle, R. T., 282  
Guilmette, J. W., 46  
Guillick, R., 282  
Gun, R., 228  
Gunn, F. J., 206  
— S., & Gunn, T., 177  
Gurney, A., 290  
— G., 271  
— W., 279  
Gurr, W. H. B., 78  
Gurry, T. M., 403  
Guttery, J., 271  
Guy, J., 295  
— J. W., 38  
— T. P., 46  
Gwilliam, W., 111  
Gwyer, J. L., 20  
— S. V., 122  
Gwyn, J., 468  
Gwynne, W. T., 411  
Gyton, W., 354  
H.  
Hack, T., 7  
Hacker, J., 166  
Hacking, T., 467  
Hackwood, S., 188  
Haddaway, T. D., 26  
Haddon, S. J., 180  
Hadley, B., 26  
— J., 142  
— J., 206  
Hael, J., 163  
Haffenden, W., 308  
Hague, H. H., 320  
— J. G., 166  
— W., 319  
Hahn, J., 247  
Haigh, E., 119  
— E., 470  
— J., Haigh, J., & Liversay, W., 101  
— L., 67  
— W., 100  
— W., 479  
Hallstone, J., 194  
Hallwood, W., 280  
Haine, T., 28  
Haines, W. D., 287  
Halahan, P. A., 350  
Halcerow, W., 168  
Hale, E., 414  
— F., 230  
— J., 101  
Halfhide, A. C., 268  
Hall, C., 486  
— C. P., 137  
— D., 200  
— E., 206  
— E. S., 114  
— F., 122  
— G. L., 147  
— H., 330  
— H., 462  
— J., 150  
— J., 338  
— J., 486  
— J., 446  
— J., 219  
— J. P., 306  
— M., & Hall, H., 55  
— P. F., 68  
— S., 362  
— S., 338  
— T., 90  
— T., 147  
— T., 222  
— T., 295  
— W. A., 84  
— W. A., 68  
— W., 306  
Halding, S., 182  
Hallett, J., 446  
Hallett, J. B., 428  
— J., 414  
Halkid, C., 351  
— E., 403  
— G. H., 311

- Haller, J., 182  
 Halliwell, J., 127  
   — J., 311  
   — J., 311  
 Halhows, W. G., 158  
 Halla, C., 343  
 Hallworth, E., 443  
 Hals, P., 147  
 Ham, J., 7, 43  
   — W., 308  
 Hambrook, S., 70  
 Hamer, D., 171  
 Hamilton, E., 306  
   — H., 388  
   — P., 306  
   — R., 423  
 Hamlet, J., 15  
 Hamley, R. R., 219  
 Hamlin, L., & Hamlin, M. A., 219  
 Hammarbon, H. A., 448  
 Hammond, H., 70  
   — J., 194  
   — R. W., 311  
   — R. W., 414  
   — T. W., 210  
   — W. F., 319  
 Hampson, J., 55  
   — W., 122  
 Hampton, J., 18  
 Hamson, J., 160  
 Hance, W., 268  
 Hanchant, J., 414  
 Hancher, W. F., 470  
 Hancock, A., 54  
   — G., 363  
   — H., 356  
   — J., 263  
   — M., 18  
   — W., 150  
   — W., 163  
 Haod, H., 330  
   — W. T., 283  
 Handley, E., 142  
   — R., 106  
   — W., 346  
 Hands, T., 163  
   — T. C., 182  
 Handsley F., 130  
 Handson, G. B., 130  
 Hanford, B. W., 166  
 Hankins, J., 87  
 Hannaford, J., 235  
 Hannan, J. S., 130  
 Hanson, A., 147  
   — C. S., 130  
   — E., 67  
   — R., 23  
   — W., 451  
 Hansford, H., 78  
 Warber, J., 90  
 Harecourt, D. B., 64  
 Hardaker, S., 35  
 Hardern, J., 271  
 Harding, F. G., 38  
   — G., 7  
   — G., 23  
   — J. A., 138  
   — R. S., 42  
   — S., 210  
   — S., 346  
   — T. M., 208  
   — W., 431  
   — W. M., 230  
 Hardisty, F. A., 454  
   — J., 70  
 Hardman, J., 414  
 Hardon, E., 15  
 Hardwick, A., 67  
   — W., 70  
   — W., 37  
   — W. B., 403  
 Hardy, J. K., 442  
   — J., 422  
   — S., 274  
   — W., 346  
 Hargreaves, H. W., 15  
   — J., 67  
   — J., 207  
   — R., & Hargreaves, J., 460  
 Harley, E., 234  
   — T. C., 414  
 Harman, W., 155  
 Harney, A., 308  
 Harper, A. H., 87  
   — H., 298  
   — J., 55  
   — J., 87  
   — J., 335  
   — J., 306  
 Harral, C., 188  
 Harriott, J., 100  
   — J., 346  
 Harris, A., 362  
   — B., 370  
   — C., 302  
   — E., 210  
   — E., 295  
   — G., 130  
   — G., 303  
 Harris, G., 314  
   — H., 343  
   — J., 7  
   — J., 34  
   — J., 58  
   — J., 351  
   — J., 308  
   — J. E., 290  
   — J. M., 191  
   — J. R., 463  
   — J. T., 182  
   — K., 207  
   — N. A., 290  
   — R. C., 300  
   — T., 2  
   — T., 114  
   — T., 323  
   — T. H., 303  
   — W., 10  
   — W., 114  
   — W., 351  
   — W. B., 354  
 Harris, G., 240  
   — G. E., 308  
 Harrison, B., 2  
   — B., 219  
   — F., 23  
   — F., 234  
   — F., 240  
   — F. H., 414  
   — H., 329  
   — H., 363  
   — H. M., 43  
   — J., 7  
   — J., 23  
   — J., 67  
   — J., 122  
   — J., 150  
   — J., 174  
   — J., 303  
   — J., 363  
   — T., 171  
   — T., 463  
   — T. M., 351  
   — W., 67  
   — W., 106  
   — W., 370  
   — W. J., 258  
 Harrold, H., 460  
 Harrop, H. N., 68  
 Hart, A. C., 232  
   — C., 362  
   — E., 454  
   — G. W., 426  
   — H. W., 150  
   — J., 170  
   — J., 2  
   — J. M., 43  
   — M., 54  
   — R., 54  
   — T., 388  
   — W., 46  
   — W., 308  
 Hartill, J., 205  
 Hartley, J., 442  
   — J., 446  
   — T., 23  
   — W., 463  
 Hartmann, E., 70  
 Harvey, A., 202  
   — A., 338  
   — H., 147  
   — H., 163  
   — H. M., 330  
   — R. W., 18  
 Harwood, C., 343  
 Haselton, W. E. S., 467  
 Haskayne, E., 460  
   — W., 343  
 Haskell, H., 390  
 Haskins, J. J., 354  
 Haslam, C., 314  
 Hasleham, W. G., 388  
 Hassall, J., 338  
 Hasslip, C., 191  
 Haste, J., 345  
 Hathaway, S. C., 67  
 Hatten, W., 10  
 Hatten, H., 38  
   — J. P., 250  
   — M. H., 390  
 Havenhand, J., 137  
 Haviland, H. M., 470  
 Haward, S. R., 383  
 Hawker, J., 70  
   — J., 194  
 Hawkes, J., 282  
   — T., 10  
   — W., 470  
 Hawksworth, M., 303  
 Hawking, D. A., 367  
 Hawkins, H., 155  
   — J. C., 426  
   — W. H., 155  
 Hawley, G., 446  
 Haworth, J. P., 228  
 Hawthorn, E., 102, 122  
 Hawthorne, J., 451  
 Hawtree, H., 202  
 Hay, G., 182  
   — J., 359  
   — W., 76  
 Hayden, M., 219  
 Haydon, C., 362  
 Hayes, C., 103  
   — D., 279  
   — J., 122  
   — J. M., 155  
   — R. H., 338  
   — T., 38  
   — W., 147  
   — W., 171  
 Hayley, T. D., 150  
 Hayman, S., 232  
 Haynes, C., 207  
   — J., 274  
   — J., 171  
   — S. T., 70  
   — W., 15  
 Hays, J. S., 206  
 Hayward, C., 362  
   — H. R., 346  
   — J., 79  
   — J., 470  
   — J., & Biddle, C., 470  
   — R., 15  
 Haywood, F., 271  
   — T., 183  
 Hazel, W. J., 470  
 Hazell, B. T., 247  
 Hazleby, G., 76  
 Hazlehurst, J., 122  
   — W. H., 351  
   — W., 398  
 Healey, W., 76  
 Heap, A. W., 315  
 Hearn, G., 171  
 Heath, A., 58  
   — A., 182  
   — R., 15  
   — R., 385  
   — T., 343  
   — W. E., 118  
   — W. E., 190  
 Heathcote, D., 18  
   — T., 174  
 Heatherley, T., 314  
 Heatley, T., 314  
 Heaton, G., 258  
   — H., 362  
   — T., 274  
 Heaven, H., 314  
 Hobblishwaite, J., 234  
 Hedcock, M., 189  
 Hedgethurn, J., 314  
 Hedges, J., 232  
 Hedley, J., 346  
 Heelis, T., 210  
 Heffill, G., 467  
 Heginbotham, J., 205  
 Heil, J., 250  
 Heiley, E., 327  
 Heine, K., 470  
 Helicar, F. I., 42  
 Helton, W., 90  
 Helm, E., 101  
 Hembry, G., 67  
 Hembury, J. H., 351  
 Hempleman, W., 38  
 Henchley, J. R., 290  
 Henderson, E., 403  
   — J. B. H., 58  
   — M., 266  
   — W., 258  
 Hendley, H., 442  
 Henn, C., 305  
 Hennessey, J. J., 426  
 Henahaw, G., 179  
 Henson, W. F., 166  
 Heptonstall, C., 35  
 Heppenstall, H., 67  
 Heworth, G. N., 194  
   — J., 23  
 Herbert, J., 2  
   — T., 206  
   — W., 290  
   — W., 403  
   — W. H., 460  
 Hercy, E. G., 106  
 Herdman, N., 219  
 Hcrey, E. G., 163  
 Heritage, W., 68  
 Hermann, F., 354  
 Heron, C., 23  
 Herriott, W. M., 99  
 Heseltine, W., 247  
 Heslewood, F. B., 179  
 Heslop, T., 26  
 Hesmondhalgh, W., 210  
 Hetherington, F., 314  
 Heward, T., 340  
 Hewetson, G., 382  
 Hewish, T., 78  
 Hewitt, C. H., 70  
   — G., 99  
   — H., 303  
 Hewitt, J., 34  
   — J., 88  
   — J., 67  
   — J. S., 7  
   — W. H., 462  
 Heworth, T. B., 274  
 Hey, R., 382  
 Heydon, G., 442  
 Heyes, G., 155  
   — G., 306  
 Heylin, A., 270  
 Heyman, L., 467  
 Heywood, W., 179  
 Hibbert, P., 78  
 Hibble, C., 414  
 Hickey, M., 382  
 Hickling, E., 26  
 Hiekinbotham, T., 330  
 Hickman, J., 346  
 Hicks, W., 182  
   — W., 247  
   — W. G., 67  
 Hield, J., 255  
 High, J., 303  
 Higham, J., 70  
 Higginbottom, F. J., 460  
 Higgins, H., 70  
   — G., 385  
 Higginson, F., 314  
   — T., 127  
 Higgins, W. G., 114  
 Higgs, J., 311  
   — J., 451  
   — W., 442  
 Hiley, T., 303  
 Hilda, L., 191  
 Hiley, J., 2  
 Hill, A. S., 102  
   — C., 314  
   — D., 230  
   — E., 222  
   — E., 304  
   — G., 142  
   — H., 242  
   — H., 315  
   — H. A., 446  
   — J., 2  
   — J., 43  
   — J., 130  
   — J., 163  
   — J., 163  
   — J., 319  
   — J. E., 43  
   — J. H., 147  
   — J. H., 152  
   — J. S., 442  
   — M., 102  
   — R. H., 382  
   — S., 314  
   — T., 26  
   — T., 163  
   — T., 194  
   — W., 127  
 Hillies, J., 26  
 Hillier, J., 274  
 Hillman, G., 462  
 Hills, C., 271  
   — G., 187  
   — H., 242  
 Hilton, D., & Hilton, H., 280  
   — S., 210  
   — W., 87  
 Hillyard, J., 414  
 Hinchliffe, E., 219  
 Hind, T., 462  
 Hindle, J., 87  
 Hinge, F., 242  
 Hingston, G., 111  
 Hinks, T., 182  
 Hinton, W. H., 43  
 Hinxman, H. J., 395  
 Hird, A., 78  
 Hirons, T., 194  
   — W., 174  
 Hirst, C. H., 327  
   — F., 378  
   — J., 127  
   — J., & Hirst, A., 23  
   — S., 295  
 Hiscock, R., 26  
 Hitchin, J., & Hitchin, W., 255  
 Hitching, W. H., 411  
 Hitchinor, J., 367  
 Hitchins, J., 282  
 Hoare, J. R., 411  
   — S., 338  
 Hobb, A., 119  
 Hobbs, E. N., 354  
   — J., 367  
   — W., 18  
 Hobkirk, R., 351  
 Hobson, W., 382  
 Hocking, H., 306  
   — W. H., 274  
 Hocknell, G., 163  
 Hodd, E. H., 406  
 Hodder, H. R., 346  
 Hodge, W., 339  
 Hodges, C., 194  
   — F., 382  
   — G., 303  
   — H., 234  
   — L., 68  
   — N. W., 66  
   — R., 470  
   — T., 222  
   — T. T., 182  
   — W., 67  
   — W., 258  
 Hodgetts, B., 403  
 Hodgkins, S., 68  
 Hodgkinson, S. H., 90  
 Hodgkiss, E., 351  
 Hodgson, D., 130  
   — R., 78  
   — R., 100  
   — S. H., 362  
   — W., 67  
 Hodgkinson, T., 182  
 Hodson, J., 354  
 Hoe, T. J., 343  
   — T. J., 346  
 Hogg, W., 239  
 Hohne, H. F., 232  
 Holbrook, E., 200  
 Holdback, E., 174  
 Holden, C., 303  
   — J., 147  
   — E., 130  
 Holder, J., 18  
 Holdom, R., 388  
 Holdstock, W., 130  
 Holdsworth, H., 395  
   — J., 388  
   — J., 470  
 Hofe, W., 130  
 Hofeham, M., 467  
 Holgate, W., 78  
 Hollander, G. R., 10  
 Holland, H., 304  
   — J., 200  
   — J. R., 343  
   — R., 26  
   — S. H., 248  
   — T., 263  
   — T., 322  
   — T. J. D., 322  
 Holledge, F., 182  
 Holmes, W., 7  
 Holliday, S., 177  
   — W. D., 338  
 Hollin, W., 38  
 Hollings, G., 258  
 Hollingsworth, J. E., 137  
 Hollingworth, J. E., 35  
   — A. F., 451  
 Hollis, G., 111  
   — R. A., 247  
 Hollister, A. G., 163  
 Holloway, G., 38  
   — J., 23  
 Hulman, I., 451  
   — R., 67  
 Holme, J., 470  
 Holmes, C., 179  
   — D., 322  
   — F. A., 255  
   — G., 442  
   — H., 70  
   — J., 271  
   — S. M., 155  
   — R., 26  
 Holmyard, A., 200  
 Holroyd, J., 234  
   — J., & Holroyd, T. H., 479  
 Holt, C., 403  
   — J., 65  
   — J., 255  
   — T., 271  
   — W., 345  
 Holby, W. D., 382  
 Home, J. R., 76  
 Homer, J., 18  
 Homewood, H., 18  
 Homfray, S. G., 155  
 Honey, B., 463  
 Honeyman, A., 67  
 Honeywill, T. W. Q., 27  
 Hood, M., 304  
   — S., 102  
 Hoodless, S., 422  
 Hook, J., 382  
 Hooker, A., 210  
   — W., 70  
   — W., 379  
 Hoornan, T., 174  
 Hooper, J., 470  
 Hooper, C., 171  
   — G., 15  
   — J., 274  
   — M., 228  
   — R., 348  
   — T. R. L., 46  
   — W., 7  
   — W., 207  
 Hopcraft, J., 23  
 Hopcroft, T., 403  
 Hope, H., 389  
   — H. J., 370  
 Hopes, J., & Hopes, J., 87  
 Hopewell, G., 18  
 Hopkin, J., 150  
 Hopkins, A. D., 304  
   — J., 367  
   — J., 167  
   — W., 150  
 Hopper, J., 354  
 Hornett, B., 43  
 Hornfeck, H. A. J., 182  
 Hornsby, G., 311  
 Horlock, E., 158  
 Hornsby, G., 362  
 Horrocks, J., 33  
   — J., 265  
   — T., 411  
 Horsepool, W., 298  
 Horsefield, J., 67  
   — T., 54  
   — T., 78  
 Horslen, G., 411  
 Horsley, J., 130  
   — J., 395  
 Horwill, W., 378  
 Horton, H., 7  
   — J., 111  
 Howkins, W. S., 431  
 Hoskins, J., 78  
 Hosfield, C. H., 290  
 Hough, S. B., 2  
 Houghton, W., 55  
   — W., 147  
 Houlding, M. A. R., 158  
 Houston, R. T. W., 325  
 How, J. T., 202  
 Howard, A., 222  
   — G., 460  
   — H., 462  
 Howarth, G., 287  
 Howatson, J., 282  
 Howden, T., 314  
 Howl, H. D., 322  
 Howe, J., 166  
   — S., 467  
 Howell, H., 100  
   — J. A., 147  
   — J. A., 322  
 Howells, R., 242  
 Howes, T., 234  
 Howland, J., 194  
 Howland, E. M., 78  
 Howlett, H., 248  
 Howley, F., 322  
 Howson, A., 200  
 Howson, W., 90  
 Hoyle, G. R., 67  
   — L., 398  
   — R., 282  
 Hubbard, J., 314  
 Hubbucks, J., 330  
   — W., 436  
 Hucksall, A., 127  
 Huddleston, A., 351  
   — J., 18  
   — T., 378  
 Hudson, J., 166  
   — J., 271  
   — S., 111  
   — T., 111  
   — T., 194  
   — W., 395  
 Hue, A., 46  
 Hues, J. J., 338  
 Huff, J., 127  
 Huggan, T., 311  
 Huggins, B. S., 398  
   — R., 378  
 Hughes, E., 403  
   — C. F., 158  
   — C. H., 338  
   — D., 171  
   — E., 285  
   — E., 329  
   — G. B., 463  
   — G. G., 311  
   — H., 346  
   — H., & West, J. S., 282  
   — J., 139  
   — J., 378  
   — R., 208  
   — R., 462  
   — R., 467  
   — T., 390  
   — W., 150  
 Hugill, J., 282  
 Hugo, J. H., 388  
 Huicks, W., 304  
 Hulbert, J., 411  
 Hull, G., 87  
   — W. H., 351  
 Hulme, T., 370  
 Hummel, J., 280  
 Humphrey, W., 322  
 Humphreys, E., 240  
   — J. G., 122

- Humphreys, J. P., 191  
— M., & Read, M., 127  
Humphreys, J., 190  
— W., 7  
Humphreys, D., 54  
— G. T., 226  
— W., 351  
Hunt, E., 370  
— F., 608  
— G., 150  
— H., 114  
— H. J., 70  
— J., 102  
— J., 194  
— J., 222  
— J., 326  
— J., 351  
— J., 454  
— J. H., 191  
— J. T., 55  
— V. D., 274  
Hunter, A. G., &  
— Ferris, E. F., 262  
— G., 256  
— J., 122  
— J., 274  
— W., 67  
— W., 311  
Huntingdon, J., 7  
Huntington, M., &  
— Huntington, E., 10  
Huntley, T. W., 54  
Huntton, G., 245  
Hurd, R., 470  
Hurst, J., 130  
— J., 194  
— J., 467  
Husband, E., 87  
Huskinson, C., 368  
Hussey, H., 10  
— J., 225  
— R., 171  
Hutchins, R., 119  
Hutchinson, J., 26  
Hutchinson, A., 35  
— J., 38  
— J., 240  
— J., 305  
— R., 76  
— T. H., 2  
— W., 202  
Hutehison, D., 230  
— G., 156  
Hutt, M., 234  
Hutton, N., 200  
Huxley, J., 354  
Hyde, G., 85  
— J., 270  
— R., 191  
Hyden, J., 370  
Hyde, R. H., 119  
Hyslop, W. S., 446
- I
- Ibbertson, J., 403  
Ibbs, L. J., 150  
Icceton, J., 280  
Igell, W., 70  
Iltingworth, B., 191  
— J., 130  
Imicki, A., 190  
Imber, J., 267  
Impey, T., 155  
Immer, M. A., 224  
Ingraham, J., 274  
Ingham, H., 226  
— L., 219  
Ingle, J. E., 127  
Ingledew, E., 26  
Ingila, D. A., 18  
Ingram, G., 111  
— J., 163  
— S., 150  
Inga, F., 7  
Inkersole, J., 258  
Isakson, S., 158  
Inman, E., 222  
— W. H., 306  
Innes, J., 2  
— R., 194  
Ion, R., 28  
Irland, J., 26  
Isaacson, E. T., 87  
Isatt, T. M., 56  
Isod, W. H., 354
- J
- Jacklin, T. J., 343  
Jackman, M., 454  
Jackson, A., 210  
— A., 280  
— C., 242  
— C., & Saunders, C., 222  
— F., 165  
— F. M., 108  
— G., 194
- Jackson, G., 234  
— G., 280  
— H. W., 314  
— J., 191  
— J., 202  
— J., 234, 266  
— J., 314  
— J., 319  
— J., 243  
— J., 346  
— J., 354  
— J., 354  
— J. W., 256  
— J., 414  
— J., 467  
— J. C., 150  
— J. C., 123  
— N. L., 163, 166  
— R., 462  
— R., 479  
— T., 155  
— W., 2  
— W., 7  
— W., 304  
— W. H., 90  
Jacobs, H., 370  
— J., 194  
— J. W., 308  
— S., 46  
— T., 223  
— W., 234  
James, E., 266  
— E. S., 130  
— E. S., 225  
— G., 2  
— J., 159  
— J., 462  
— R., 266  
— W., 102  
— W. H., 122  
Jameson, M., 210  
Jamieson, A., 327  
Janes, E., 222  
— J., 202  
Jannings, H., 346  
Janvins, F. W., Grasse, T. R., & De  
— Lisle, A. T., 114  
Jaques, J. J., 122  
— R., 422  
Jardine, A., 142  
Jarrett, F. S., 10  
— R., 163  
— T., 46  
— W., 462  
Jarvis, J., 122  
— J., & Connor, T., 55  
— T., 314  
— T. F., 234  
Jay, G., 308  
Jaxon, J. H., 222  
Jevons, J., 158  
Jeffries, J., 306  
— W., 304  
Jeffery, J., 130  
— W., 346  
Jeffries, J., 182  
— T., 58  
— W., 274  
Jenkins, A., 271  
— J., 7  
— J., 114  
— J., 194  
— L., 304  
— T., 119  
Jenkinson, M., 180  
— T., 191  
Jennings, A., 230  
— A. G., 414  
— C., 174  
— D., 90  
— F., 90  
— J., 42  
— J., 271  
— J., 306  
— J., 422  
— M., 242  
— W. H. D., 238  
Jennins, S. S., & Burrell, J., 338  
Jerdain, M., 306  
Jeremy, D., 378  
Jesop, C., 99  
— F., 70  
Jevon, W., 240  
John, D., 467  
— E. W., 87  
— R., 311  
— W., 179  
Johns, C. F., 114  
Johnson, E., 403  
— F., 163  
— G., 234  
— H., 10  
— H., 378  
— H. H., 163  
— J., 78  
— J., 158  
— J., 222  
— J., 248  
— J., 271
- Johnson, J., 422  
— J. C., 420  
— L., 88  
— R., 26  
— R., 163  
— S., 280  
— S., 293  
— S., 298  
— T., 303  
— W. H., 163  
Johnston, R., 38  
Johnstone, J. I., 55  
— J. W., 256  
— J., 130  
Jolliffe, J., 171  
Jolly, D., 267  
— T., 274  
Jonas, T. S., 222  
Jones, A., 222  
— A., 339  
— A. S., 222  
— C., 70  
— C., 163  
— C., 287  
— D., 304  
— D., 370  
— D. K., 470  
— E., 88  
— E., 119  
— E., 158  
— E., 171  
— E. H., 406  
— E. J., 411  
— E. L., 75  
— F. D., 250  
— G. D., 303  
— H., 226  
— I., 100  
— I., 163  
— J., 18  
— J., 18  
— J., 54  
— J., 67  
— J., 75  
— J., 78  
— J., 114  
— J., 182  
— J., 179  
— J., 191  
— J., 210  
— J., 228  
— J., 267  
— J., 268  
— J., 338  
— J., 351  
— J., 470  
— J. C., 122  
— J. W., 239  
— J. W., 327  
— L., 158  
— L., 282  
— L., 328  
— L., 446  
— M., 102  
— M., 250  
— M. P., 122  
— R., 7  
— R., 137  
— R., 147  
— R., 160  
— R., 248  
— R., 361  
— R., 370  
— R., 380  
— R., 422  
— R. E., 274  
— R. J., 171  
— R. M., 351  
— R. W. H., 218  
— S., 298  
— T., 26  
— T., 127  
— T., 142  
— T., 150  
— T., 271  
— T., 306  
— T., 306  
— T., 451  
— T. L., 127  
— T. P., 62  
— T. T., 118  
— W., 46  
— W., 87  
— W., 174  
— W., 224  
— W., 227  
— W., 406  
— W., 454  
— W. H., 222  
Jordan, J. S., 122  
— N. G., 18  
— W., 403  
Joseph, I. S., 46  
— J., 23  
Joyce, J., 43  
— W., 368  
Joynes, J., 75  
Jude, J. B., 262  
Juffs, G., 254  
Jukes, J., 370
- Juler, M., 398  
Jump, W., 267  
Juson, J., 298
- K
- Kahn, W. J., 319  
Kammerer, G., 214  
Kane, T. J., 406  
Karnana, A., 422  
Karlson, J., 398  
Karlson, F., 130  
Kaufman, L., 210  
Kaufmann, S. K., 290  
Kay, D., 67  
— E., 378  
— H., 179  
— R. S., 126  
— T. Y., 114  
— W., 414  
Kearns, J., 274  
Kearton, S., 295  
Keast, E., 76  
Keates, H., 158  
— J., 298  
Keatts, T. W., 319  
Keble, G., 55  
Keene, D., 462  
— F. E., 139  
— R., 190  
Kelghley, B., 271  
— J., 38  
Kelght, G., 354  
Kelly, A. C., 70  
Kellett, J. C., 467  
Kelly, F., 2  
— G. L., 271  
— L., 414  
— R., 163  
— W. P., 220  
Kelsall, R., 65  
— W., 87  
— W., 360  
Kemp, G., 191  
— G., & Abdale, T., 191  
— H., 274  
— J., 390  
— J., 398  
— T., 300  
— T., 308  
— T., 470  
— W., 428  
Kempster, E., 282  
Kempson, H., 406  
Kendall, R., 200  
— W. J., 26  
Kendrick, F., 335  
— S., 259  
Keniston, H., 202  
Kennedy, D., 35  
— M., 78  
Kennett, J. G., 222  
Kenney, J. N., 231  
Kennings, J., 258  
Kennywell, W., 256  
Kent, J., 182  
— R., 240  
Kentfield, E., 200  
Kenyon, J., 414  
Ker, T. C., 61  
Kerr, J., 454  
Kerrison, G., 311  
— J., 110  
Kerry, R., 210  
Kerham, J., 111  
Kerhan, J. J., 222  
— J., 351  
Kerwood, G. K., 280  
Ketcher, W. H. R., 174  
Ketty, W., 142  
Kettie, J., 262  
— J., 280  
— R. B., 314  
Kettlewell, R., 240  
Kew, J., 194  
Keymer, G. S., 271  
Keyse, J., 66  
Kidd, G. H., 290  
— J., 322  
— J. R., 469  
— S., 67  
Kiddle, J., 75  
Kieran, C. G., 271  
Kilburn, J., 83  
Killingback, H., 171  
Killmer, H. T., 362  
Kilroy, M., 28  
Kimber, R., 274  
Kimber, T., 248  
Kimberley, W., 330  
Kimpton, E., 127  
— T. Y., 15  
Kinder, H., 451  
King, A., 40  
— C., 287  
— C., 330  
— E., 18  
— F., 162  
— G., 414  
King, H. J., 319
- King, J., 78  
— J., 138  
— J., 271  
— J., 274  
— J., 287  
— J., 278  
— R., 274  
— S., 267  
— T., & Varville, R., 10  
— W., 2  
— W., 462  
— Y., 311  
Kingdon, J., 335  
Kingsbruner, S., 171  
Kingsnorth, E., 390  
Kinneraley, T., 210  
Kinsella, J., 99  
Kinsley, G. B., 111  
Kinsley, J., 362  
Kinton, J., 88  
Kirby, D., 202  
— J., 271  
— T. K., 58  
Kirk, G. F., 180  
— W., 43  
Kirkham, J., 343  
— T., 462  
— T. K., 28  
Kirkland, G., 171  
— J., 267  
Kirkman, J., 163  
— T. C., 147  
Kirman, E. M., 378  
Kirtton, J., 454  
Kitchen, W., 59  
Kitching, G., 138  
— J., 163  
— T., 191  
Kiteell, W., 2  
Kitson, C., 102  
Kitt, R., 242  
Kittson, J., 267  
— K., & Walker, T., 422  
— K., & Abdale, T., 191  
Knags, W., 196  
Knappet, E., 196  
Knight, C., 220  
— F., 258  
— G., 114  
— G., 147  
— G. E., 21  
— G. E., 248  
— H., 366  
— J., 35  
— T., 382  
— T., 462  
— W., 43  
Knights, G. B., 414  
— H. R., 2  
Knott, C., 157  
— J., 250  
— J., 467  
Knotts, J., 194  
Knowles, G., 155  
— H. W., 174  
— J., 130  
— J., 362  
— R., 23  
— W., 119  
— W., 298  
Koppel, B., 18  
Kosky, F. A., 87  
Kottula, C. N., 10  
Kriegsfeld, L., 191  
Kriens, C. W., 90  
Krotowski, M. D., 354  
Kruger, S., 126  
Kullberg, W., 118  
Kupis, F. K., 7  
Kustner, C. C., 23
- L
- Labrum, T., 460  
Lackey, N., 460  
Lacy, A. D., 86  
— J., 319  
Ladd, M., 378  
Ladmore, G., 274  
Lair, J., 322  
Lake, W., 75  
— W. H., 87  
Lakeman, I., 330  
— J., 100  
L'Allemand, G. H., 10  
Lamb, J., 314  
Lambert, C., 126  
— E. A., 10  
— G., 2  
— G. E., 206  
— J. W., 271  
— T., 23  
— T., 330  
— T., 362  
Lamble, E. C., 262  
— S. R., 179  
Lamprell, J., 10
- Lancaster, J., 232  
— J., 406  
Lance, H., 70  
Lancefield, H. J., 66  
Landon, C. R., 26  
Landrey, R., 36  
Landrey, R., 46  
Lane, G. O., 442  
— G. O., 454  
— J., 150  
— T., 194  
— W., 306  
Langan, F., 470  
Langer, G., 168  
Langford, J., 67  
— J., 220  
Langon, F., 174  
Langley, J., 406  
Langman, G., 335  
Langdale, W., 222  
Langtry, J., 250  
Lanham, R., 99  
Lanning, E. J., 180  
Larner, H., 354  
Laroche, G., 306  
Lashbury, F. P., 76  
Lasky, J. R., 36  
Lassalle, C., Parker, H., & Thompson, P., 119  
Latham, R. G., 319  
Lathbury, J. A., 346  
— R., 282  
Lattimer, G., 182  
Latto, J. R., 250  
Laughton, W. J., 451  
Laurence, A., 256  
Laurence, A., 247  
Lavanchy, F. L., 411  
Laverick, J., 242  
Lavington, J., 78  
Law, A. F., 218  
— J., 160  
— J., 158  
— J., 163  
— J. W., 311  
— M. J., 7  
— T. G., 300  
Laves, J., 90  
Lawley, R., 426  
— T., 158  
Lawrence, B., 303  
Lawrence, C. H., 194  
— C. W., 330  
— D., 368  
— E., 147  
— E., 228  
— G., 114  
— G., 442  
— J. J., 4  
— L., 403  
— S., 411  
— W., 366  
— W. S. C., 256  
Lawry, P. T., 54  
Lawson, T., 126  
— W., 10  
Lawton, B., 67  
— E., 266  
Lax, G., 280  
Laxton, J. C., 90  
Laycock, J., 76  
— T., 266  
Layland, E. A., 390  
Lazard, D. F., 114  
Lazarus, M., 142  
— S. M., 110  
Laseby, D., 351  
Lea, G., 10  
— J., 191  
— J., 370  
— W., 319  
Leach, E., 330  
— E., 58  
— G., 111  
Lead, H., 367  
Leakey, J. A., 234  
Leammonth, W., 290  
Leak, A. R., 191  
Leatt, W., 179  
Leaver, W. H., 311  
Leck, J., 479  
Ledger, G., 479  
Ledward, S., 370  
Lee, B., 20  
— B., 292  
— J., 7  
— J., 55  
— J., 280  
— J., 330  
— J., 336  
— L., 239  
— R., 242  
— R., 343  
— W. C., 179  
Leach, E., 403  
Leatham, G., 38  
Leeds, G., 240  
— G., 367  
Leeming, T. S., 99  
Lees, J., 308  
— P. H., 460

- Lees, S., 426  
 — T., 258  
 — W., 382  
 Leese, E., 322  
 Leeson, J., 266  
 Legg, J., 338  
 — R., 55  
 Legge, E. S., 479  
 — J. H., 67  
 Leggett, J., 446  
 — H., 266  
 Leicester, J., 15  
 Leigh, A., 182  
 — B. E., 26  
 — H., 207  
 Leighton, W., 382  
 Le Moine, A. W., 174  
 Lemon, R., 55  
 Lenard, E., 250  
 Lenney, T., 102  
 Leuzberg, L., 110  
 Leonard, J., 210  
 Lersch, P., 122  
 Lerry, W., 362  
 Lester, J., 114  
 — J., 346  
 Lethbridge, F., 54  
 Letherland, C., 158  
 Levens, C., 156  
 Lever, W., 208  
 Levett, A. W., 274  
 Levi, J., 359  
 Levine, M. H., 378  
 Levy, H., 267  
 — S. & Valentine,  
 E. H., 470  
 Lewington, G., 42  
 Lewry, J., 338  
 Lewis, C., 35  
 — D., 398  
 — E., 43  
 — E., 118  
 — F., 179  
 — F., 271  
 — G., 87  
 — J., 111  
 — J., 114  
 — J., 150  
 — J., 220  
 — J., 463  
 — J. D., 411  
 — J. R., 122  
 — J. W., 256  
 — L., 130  
 — R., 90  
 — R., 150  
 — S., 194  
 — T., 382  
 — T. P., 86  
 — T. P., 158  
 — W., 229  
 — W., 411  
 — W., 414  
 — W. H., 330  
 Lickfold, G., 191  
 Liddeter, J. R., 88  
 Liddell, T., 55  
 Liddlelow, H. C. R.,  
 88  
 Liebleh, I., 55  
 Light, J., 101  
 — S., 282  
 Limbrick, E. H., 395  
 Lindfield, A., 139  
 Lindley, J., 290  
 — R., 460  
 Lindsay, J., 354  
 — J., 158  
 Lines, G., 414  
 — I. P., 147  
 Lingham, J. T., 38  
 Linley, E., 346  
 Linnell, W., 86  
 Linsdale, J., 304  
 Linsdell, J. E., 308  
 Linsey, T. B., 222  
 Linsey, J., 250  
 Liptrot, E., 67  
 Lister, F., 304  
 — G., 85  
 — J., 416  
 — W., 359  
 Little, D. T., 307  
 — J., 150  
 — J., 422  
 Littlejohn, P., 34  
 Littlejohns, E., 171  
 Littler, T., 411  
 Livesey, W., Haigh,  
 J., & Haigh, J., 102  
 Livingston, J., 126  
 Llewellyn, D., 382  
 — W., 171  
 Lloyd, A., 406  
 — C., 219  
 — D., 15  
 — F., 202  
 — F. G. B., 331  
 — H., 346  
 — J., 295  
 — J. E., 470  
 — S., 314  
 Lloyd, S., 422  
 — T., 19  
 — T., 229  
 — W., 426  
 — W., 451  
 Loader, R., 256  
 Lobb, W., 290  
 Lobbey, H., 75  
 Lock, J., 2  
 — J., 271  
 Locke, G. W., 367  
 Lockyer, S., 232  
 Lockley, J., 258  
 Lockwood, J. R., 387  
 — J., 327  
 — J. W., 100  
 — T. J., 15  
 Lodge, J., 200  
 — T., 46  
 Loftus, W., 327  
 Lomax, R., 7  
 London, D., 26  
 Londynski, L., 58  
 Long, A., 263  
 — C. & Ralfe, F.  
 W., 319  
 — E., 90  
 — F., 274  
 — J. T., 43  
 — T., 55  
 Longbottom, S., &  
 Taylor, T., 403  
 Longman, C., 270  
 Looker, J., 371  
 Loosmore, J., 90  
 — J., 263  
 Lopez, M., 150  
 Lord, C. U., 114  
 — H. H., 287  
 — J., 102  
 — J., 222  
 — J., 395  
 Lorimer, C., 327  
 Loring, A., 403  
 Lorette, C. L. T., 200  
 Losack, H. C., 58  
 Lote, H., 90  
 Lotings, A. M., & Lo-  
 tings, A. A., 263  
 — J., 300  
 London, H., 194  
 Louys, J., 232  
 Love, A. G., 411  
 Lovell, H., 295  
 — J.: Saunders, B.;  
 & Saunders, W. D.,  
 366  
 Loveridge, R., 102  
 Lovett, I. E., 122  
 Low, J., 451  
 — W., 398  
 Lowden, T., 242  
 — W., 127  
 Lowe, F., 174  
 — J., 295  
 — M., 26  
 — M., 390  
 — T. S. H., 290  
 — W., 152  
 Lowes, C., 414  
 Lowin, C., 46  
 Lowman, E., 272  
 Lowrie, R., 55  
 Lucas, C., 210, 278  
 — W., 64  
 Lucy, W. C., 346  
 Luker, J., 90  
 Lundgren, J., 362  
 Lunn, J., 311  
 — R., 202  
 — W., 346  
 Lunnun, D.; Morton,  
 A. M.; & Morton,  
 G. E., 200  
 Lupton, J., 59  
 — R. G., 287  
 — W. C., 274  
 Lusecombe, E., 479  
 — J., 411  
 Lusher, J., 280  
 Lusty, H., 290  
 — W., 354  
 Lyle, R. J., 59  
 Lym, J., 363  
 Lynam, H., 338  
 Lynn, D., 247  
 Lynas, T., 158  
 — W., 38  
 Lyon, J. D., 58  
 — R., 202  
 — S., 305  
 — W. T., 287  
 Lyons, H. J., 282  
 Lythgoe, J., 43  
 — M.  
 Mabe, W., 263  
 Maber, G., 7  
 M'Adam, R. K., 15  
 M'Alister, W., 346  
 — W. C., 23  
 M'Carroll, M., 329  
 M'Carthy, E. D. J., 382  
 — G. A., 258  
 — J., 18  
 — T. P., 7  
 M'Bride, H., 411  
 M'Dermott, J., 7  
 M'Donald, A., 270  
 MacDonald, J. A., 18  
 Macdonald, G. S., 354  
 M'Donnell, E., 304  
 M'Dowall, A., 303  
 — P., 322  
 — W., 370  
 M'Gahan, J., 114  
 M'Grath, R., 462  
 M'Gregor, J., 88  
 M'Guffog, M., 147  
 Machin, G., 394  
 — T., 58  
 M'Hugh, A., 158  
 M'Isaac, D., 479  
 Mackarell, R., 463  
 M'Kay, A., 76  
 — A., 114  
 — C. P., 319  
 Mackay, W., 70  
 M'Kend, R., 382  
 Mackenzie, A. W., 247  
 — T. H., 54  
 Mackey, W., 38  
 — W., 23  
 M'Kibbin, E., 242  
 Mackinlay, A., 468  
 M'Knight, R. A., 15  
 M'Klachan, G., 90  
 Maclean, J., 174  
 — T., 166  
 M'Laren, W., 274  
 M'Laughlin, J., 232  
 M'Lean, W., 26  
 M'Lellan, J., 43  
 M'Millan, J., 408  
 M'Mullin, A., 304  
 Macnamara, J., 290  
 Macnish, N., 171  
 M'Nulty, B. J., 102  
 — H., 814  
 M'Connell, A., 298  
 M'Race, G., 287  
 Macrow, T. C., 426  
 M'Colla, J., 86  
 M'Vea, E., 272  
 Maddier, E., 194  
 Maddock, B., 55  
 — R. J., 367  
 — S. E., 182  
 Maddocks, W., 311  
 Madie, E.; Madie, E.  
 H.; & Madie, W. J.,  
 346  
 Maers, J., 54  
 Maelfer, A. A., 43  
 Magee, J., 446  
 Magson, J. D., 446  
 Mahony, T. G., 234  
 Mahon, W. G., 18  
 Maidment, E., 311  
 Maids, T., 166  
 Main, H. A. D., 38  
 Mainwaring, A., 250  
 — W., 127  
 Maisey, T., 75  
 Major, G. W., 158  
 — M'Kedy, 338  
 Makepeace, Ridley, &  
 Makepeace, R., 462  
 Makings, W., 36  
 Malcolm, F., 155  
 — J. H., 38  
 Male, P., 23  
 Mallin, H., 230  
 Mallard, W. H., 370  
 Matlett, W., 182  
 Malley, W., 35  
 Malfer, A. B., 68  
 Mallory, E. H., 23  
 Malony, A., 295  
 Malby, T., 295  
 — W., 335  
 — W., 346  
 Manby, J. J., 403  
 Manchee, G., 304  
 Manchin, M. E., 454  
 Mander, T., 55  
 Manderson, J., 43  
 Manknell, B. J., 38  
 Manley, J., 395  
 — W., 414  
 Mann, F., 370  
 — G., 150  
 — J. B., 54  
 — W. P., 230  
 Manning, R. F., 147  
 Manser, R. T., 462  
 Mansfield, T. J., 327  
 Mantou, T. H., 319  
 Maples, R. F., 119  
 Mapleden, W. T. H.,  
 54  
 Mapleston, G., 406  
 Marcoe, J., 38  
 Mare, C. F., 7  
 Margerison, J., 14  
 — W., 468  
 Mariotta, W., 454  
 Markland, J. B., 287  
 Marklew, J., 15  
 — R., 58  
 Marks, B., 314  
 — B., 414  
 — S., 194  
 Markwell, D., 387  
 Markwick, J., 102  
 Marlow, J., & Man-  
 ning, T. W., 23  
 — W., 370  
 Marr, R., 296  
 Marratt, C., 67  
 — W., 243  
 Marriot, W., 26  
 — W., 406  
 Varriss, J., 90  
 Marrison, R., 287  
 Marra, J., 250  
 Marsden, J. H., 232  
 — T., 460  
 — T. C., 255  
 Marsh, A., 279  
 — A., 382  
 — F., 390  
 — J., 15  
 — J., 130  
 — J., 327  
 — J. H. P., 442  
 — J. H., 10  
 — S., 250  
 — W., 26  
 — W., 75  
 Marshall, E., 35  
 — F. C., 282  
 — H., 210  
 — H., 274  
 — J., 119  
 — J., 208  
 — J., 280  
 — J., 378  
 — J. F. F., 230  
 — R., 54  
 — R., 266  
 — S., 158  
 — W. S., 411  
 — W. S., & Wil-  
 liams, B., 462  
 Marston, J., 362  
 Marter, C., 150  
 Martin, A., 59  
 — B., 460  
 — C., 43  
 — C., 426  
 — C., 446  
 — E., 179  
 — F., 470  
 — J., 35  
 — J., 38  
 — J., 163  
 — J., 306  
 — J., 462  
 — J. F., 311  
 — R., 290  
 — S., 346  
 — T., 392  
 — W., 155  
 — W., 459  
 — W. S., 471  
 Martyn, H., 470  
 — H. F., 122  
 — J., 462  
 Mason, G., 66  
 Masdin, T., 163  
 Mash, J., 330  
 Maskell, J., 15  
 — J. H., 266  
 Maskew, H. E., 234  
 Maslin, J., 387  
 Maslin, E., 330  
 Mason, H., 367  
 — G., 219  
 — G., 426  
 — J., 2  
 — J., 274  
 — J., 280  
 — J., 380  
 — J., 467  
 — J., & Mason, H.,  
 66  
 — M. J., 43  
 — N., & Mason, L.,  
 166  
 — W., 282  
 — W., 327  
 Massarenti, G. N. V.  
 — M., 222  
 Massam, F., 114  
 Massey, J., 171  
 — J., 314  
 Masterman, H. S., 222  
 — R., 67  
 — R., 171  
 — R., 327  
 — T., 303  
 Masterton, E. C., 378  
 Mastill, J., 256  
 Matchett, J., 335  
 Mather, C. F., 367  
 Mathey, H., 470  
 Mathey, H., 330  
 Matthewman, A., 119  
 Matthews, C., 26  
 — F. H., 256  
 — M., 451  
 — W., 114  
 — W., 388  
 Maughan, H., &  
 Maugham, W. A., 46  
 Mawby, T., 290  
 Maxwell, J., 414  
 May, E., 239  
 — H. A., 470  
 — J., 10  
 — S., 250  
 — W., 102  
 — W., 454  
 Maycock, H. G., 142  
 Mayer, M., 343  
 Maynard, J., 171  
 Mayne, E. R. D., 75  
 Mayos, J., 242  
 Maxsted, H. G., 174  
 Meacham, J. E., 239  
 Mead, F. T., 34  
 — J., 470  
 — W., 290  
 Meades, J., 382  
 Meadows, J., 78  
 Meakin, G. R., 86, 88  
 Meays, J., 35  
 Mcaney, R., 362  
 Mecklenburg, H., 411  
 McCoy, C. R., 26  
 Medder, W., 304  
 Meddings, T., 335  
 Meddowcroft, W., 274  
 Medlow, H., 362  
 Medley, H., 43  
 Mee, H., 282  
 — J., 23  
 — J., 330  
 Meech, S., 90  
 Megson, T., 422  
 Meitzner, H., 58  
 Melhuish, J., 35  
 Melladew, T., & Mel-  
 ladew, E., 339  
 Melland, G. S., 46  
 Mellin, J., 174  
 Mellor, J., 370  
 — W. H., 266  
 Mellows, T., 66  
 Melville, F., 150  
 Mendham, A., 247  
 — J., 382  
 Mendheim, A., 263  
 Mends, R. H., 382  
 Meeson, C., 268  
 Mengedoh, H., 362  
 Mercdith, C., 370  
 — D., 451  
 — J., 268  
 — W., 367  
 Mercer, H., 256  
 — R., & Millington,  
 H. J., 406  
 Merchant, J., 307  
 — J., 414  
 Merrick, H., 442  
 Merry, D., 26  
 — J., 342  
 Merson, G., 18  
 Messenger, T., 75  
 Meteyard, A., 232  
 Mew, G. O., 87  
 Mewse, E., 114  
 Meyer, W. F., 322  
 Meyrick, T., 179  
 Michau, A. J. H. B., 70  
 Michell, G. M. B., 232  
 — H., 15  
 Mickleburgh, S. S., 314  
 Mickelburgh, S., 26  
 Middleton, G., 207  
 — W., 111  
 Midgley, J., 460  
 Midwinter, C., 366  
 Milbourn, J., 100  
 Mildmay, E. St. J., 174  
 Miles, H., 15  
 — H. W., 306  
 Mills, J., 15  
 — N., & Mason, L.,  
 166  
 — W., 282  
 — W., 327  
 Millar, R., 67  
 — S., 403  
 Miller, F., 58  
 — F., 66  
 — G., 150  
 — J., 75  
 — P. R., 266  
 — R., 76  
 — W., 174  
 — W. P., 319  
 Millington, H. J., &  
 Mercer, R., 406  
 Mills, E., 163  
 Mills, J., 327  
 — M., 319  
 — T., 395  
 — T. W., 25  
 — W., 274  
 Milnes, C., 171  
 Milner, J., 75  
 — T. W., 200  
 Milnes, J., & Coster,  
 G., 99  
 Milo, M. A., 210  
 Milroy, T., 314  
 Milward, F., 179  
 — W., 282  
 Mingay, G. W., 18  
 Minister, J., 154  
 Minshall, T., 335  
 Minty, W. A., 335  
 — W. M., 240  
 Nakin, E., 67  
 — J., 239  
 Mitchell, B., & Mitch-  
 ell, J., 312  
 — F. L., 322  
 — J., 180  
 — J., 210  
 — J., 274  
 — J., 290  
 — S. A., 414  
 — S. H., 234  
 Mitson, S., 290  
 Milton, G., 55  
 Miltonette, F., 279  
 Moat, C. W. S., 271  
 Mobbs, E., 171  
 Mogg, W., 194  
 Moll, W., 163  
 Moll, R. W., 65  
 Mollart, T., 306  
 Molyneux, W. L., 234  
 Monk, F. T., & Brook,  
 J., 403  
 Monkhouse, G., 150  
 — G., 242  
 Monks, J., 423  
 Montagu, A. G., 335  
 Monti, R., 346  
 Moody, A. H., 90  
 Moon, G., 166  
 Moor, J., 288  
 — J. B., & Moor,  
 E., 46  
 Moore, A., 247  
 Moore, B., 139  
 — G., 147  
 — G., 174  
 — G., 274  
 — G., 426  
 — G. I., 305  
 — H., 247  
 — H., 351  
 — H., 426  
 — J., 2  
 — J., 312  
 — J., 362  
 — J., 390  
 — J., 403  
 — J., 411  
 — J., 414  
 — J., 463  
 — J., 468  
 — J., 345  
 — T., 15  
 — T., 114  
 — W., 26  
 Moores, W., 446  
 — H., 240  
 — S., 66  
 Moorton, J. W., 305  
 Morbey, C. J., 426  
 Morecroft, D., 335  
 Moreton, S., 150  
 Morgan, D., 86  
 — D., 174  
 — G., 38  
 — H., 383  
 — J., 268  
 — M., 388  
 — O., 470  
 — R., 76  
 — R., 298  
 — T., 423  
 — T., 423  
 — W., 319  
 — W., 335  
 — W., 406  
 Morgans, M., 312  
 Morley, M., 76  
 — T., 103  
 — R., 314  
 Morpew, F. C., 150  
 Morrall, J. J., 110  
 — J., & Wentworth,  
 T., 343  
 Morrall, G., 100  
 — J., 400  
 Morrey, J., 426  
 — J., 470  
 Morris, A. F., 274  
 — E., 290

- Morris, H., 182  
 — I., 150  
 — I., 240  
 — I., 338  
 — J., 335  
 — J., 335  
 — J., 426  
 — J. G., 266  
 — O., 346  
 — P., 330  
 — R., 126  
 — R. S., 219  
 — W. C., 231  
 Morrison, H. M., 338  
 Morriss, T., 138  
 Morse, E. H. E., 126  
 — W., 236  
 Mort, J., 111  
 Mortimer, G. W., 126  
 — H. J., 234  
 Mortimore, G., 15  
 Morton, A., 100  
 — A. M., Lunnion,  
 D., & Morton, G. E.,  
 240  
 — D., 67  
 — G. E., Lunnion,  
 D., & Morton, A. M.,  
 200  
 Moses, W., 376  
 Moscon, J., 166  
 Moss, C., 267  
 — I., 446  
 — J., 127  
 — M., 411  
 — R., 260  
 — W., 23  
 — W. S., 354  
 Mothersill, R., 166  
 Mott, G., 127  
 Mould, G., 43  
 Mounsey, W., 370  
 Mountain, F., 191  
 Mountford, H., 43  
 Mourilyan, C., 46  
 Moverley, J., 268  
 Nowatt, A., 460  
 Moyce, G., 90  
 — J. J., 90  
 Muddiman, J. D., 279  
 Mudie, J. M., 36  
 Muffett, R., 242  
 Mugford, J., 230  
 Mugner, J. J., 119  
 Muir, J., 2  
 Muller, M. L., 191  
 Mulley, C., 362  
 Mulligan, M., 75  
 Mullins, C. W., 202  
 Munby, J., 346  
 Mumford, J., 234  
 Munday, R. T., 327  
 Mundy, T., 171  
 Munton, G., 266  
 — T., 414  
 Murch, H., 155  
 Murdoch, A., 306  
 Murgatroyd, J., 35  
 — M., 155  
 Muriel, E. M., 99  
 Murphy, E. W., 37  
 — J., 330  
 — J. H., 190  
 — W., 114  
 Murray, W. R., 290  
 — W. W., 314  
 Murrus, E., 62  
 Murton, A., 330  
 — G., & Murton, J.,  
 163  
 Musgrave, C., 36  
 Musson, T. F., 202  
 Mustill, J., 263  
 Mutton, B., 54  
 — J., 460  
 Myatt, J., 75  
 Mycroft, R., 202  
 Myers, G., 297  
 — H., 174  
 — J., 191  
 — M. S., 346  
 — T., 479  
  
 N.  
 Naden, G., 56  
 Nankivell, T., 162  
 — T., 180  
 Napier, F. H. I., 282  
 Napier, J. C., 346  
 Nash, A., 370  
 — C., 99  
 — C., 155  
 — E., 462  
 — E. B., 362  
 — F. M., 222  
 — J., 402  
 — S., 114  
 Nathan, H. Y., 142  
 Naul, T., 86  
 Naylor, B., 147  
 Naylor, J., 100  
 — J., 312  
 — S. R., 2  
 Neal, J., 343  
 — W., 382  
 — W. C., 272  
 Neale, W., 45  
 — W. M., 58  
 Neave, W. B., 138  
 Needham, G., 442  
 Neels, V., 242  
 Neil, R., 58  
 — W., 200  
 Nelson, D., 395  
 — R., 362  
 — W., 219  
 Netting, R., 127  
 Nettleton, I. T., 411  
 Neumann, G. L., 43  
 Nevill, B. R., 343  
 Newbold, E., 354  
 — E., 406  
 — J., 228  
 Newby, J., 162  
 — J., 194  
 Newcombe, H., 194  
 Newell, F., 174  
 Newman, E. T., 266  
 — F., 327  
 — G., 246  
 — G., 267  
 — G., 298  
 — G. M., 171  
 — G. P., 90  
 — J., 232  
 — M., 114  
 — W., 279  
 Newnes, W., 54  
 Newham, H., 200  
 Newsome, J., 388  
 — J., 422  
 — S., 362  
 Newton, C., 390  
 — D., 319  
 — D., 335  
 — E., & Armstrong,  
 R. B., 166  
 — G., 98  
 — J., 239  
 — J., 312  
 — J. B., 219  
 — J. W., 338  
 — R. W., 67  
 — T., 66  
 — W. J., 191  
 Niblett, A. N., 467  
 Nicholas, F., 426  
 — J., 295  
 Nicholls, A., & Nl.  
 cholls, A., 7  
 — J., 200  
 — J., 414  
 — R., 282  
 — S., 346  
 — W., 250  
 — W., 298  
 Nichols, C. D., 70  
 — J., 130  
 — J. C., 202  
 — S., 67  
 — W., 180  
 Nicholson, A., 354  
 — D., 38  
 — J., 279  
 — J. S., 468  
 — R., 174  
 — R., 194  
 — T., 86  
 — W., 67  
 — W., 163  
 Nicklin, J. V., 382  
 Nickolls, A., 155  
 Nicks, R., 194  
 Niebour, R., 306  
 — W. H., 319  
 Niesing, J. W., 171  
 Nightingale, J., 248  
 Ninet, L. F., 426  
 Nitsch, W., 462  
 Niven, J. M. C., 102  
 Nixon, E. M., 78  
 — J., 367  
 — W., 150  
 Noah, R. P., & Bran-  
 don, J., 338  
 Noakes, G., 75  
 — S., 446  
 Noble, J., 34  
 — J., 395  
 — W., 166  
 Nock, C., 426  
 Nolan, E. H., 314  
 Nordaby, A., 282  
 Norfolk, W., 470  
 Norman, J., 38  
 Normanby, A. M., 102  
 Normand, A., 88  
 Norris, D., 166  
 — J., 174  
 — J., 194  
 — T., 387  
 — W., 378  
 North, J., 43  
 — R., 256  
 — S. R., 2  
 — W., 306  
 Northam, J., 10  
 — W., 298  
 Northover, R., 2  
 Northway, S., 462  
 Norton, E. V., 423  
 — T. S., 191  
 Norval, C., 442  
 Nott, J., 163  
 Nowell, J. W., 306  
 Nunn, M., 75  
 — M., 462  
 Nuth, T. S., 250  
 Nuttall, A., 210  
 — A., 282  
 — C., 354  
 Nye, S., 295  
  
 O.  
 Oakes, W., 7  
 Oakley, H., 240  
 Oates, J. F., 398  
 — T., 100  
 Oats, R. F., 426  
 O'Brien, J. P., 282  
 — J., 311  
 O'Callaghan, C., 406  
 O'Connor, B., 10  
 — J., 66  
 Odom, J., 210  
 Offer, R., 426  
 Offord, J., 79  
 — W., 12  
 Ogden, J., 343  
 — J., 406  
 — K., 180  
 — P., 147  
 Ogilvie, A., 426  
 — T., 319  
 Ogilvy, G., 479  
 O'Hare, G., 232  
 Okell, J., 395  
 Oldfield, J., 388  
 — J., 414  
 — V. H., 335  
 Oldham, H., 218  
 — J., 111  
 — J., 395  
 Oldland, J. W., 390  
 Oliphant, H. W., 306  
 Oliver, J., 423  
 — W., 66  
 Olley, J. T., 406  
 — R., 70  
 Olliver, W., 66  
 — W., 76  
 Olsen, C., 271  
 Olton, M. A., 346  
 Onions, J., 99  
 — W., 127  
 — W. H., 219  
 Onslow, G., 266  
 Opie, W., 390  
 Oppenheim, A., 370  
 Ord, G. M., 312  
 O'Regan, T., 460  
 Organ, C. H., 312  
 — D., 422  
 Oriel, E. F., 390  
 Ormandy, T., 54  
 Ormerod, J., 222  
 Orm, W. H., 90  
 Orton, G., 202  
 — J., 311  
 O'Ryan, J., 122  
 Osbaldeston, T., & Os-  
 baldeston, W., 88  
 Osborn, C., 446  
 — J., 232  
 — J., J., & E., 422  
 — R., 210  
 Osborne, G. A., 15  
 — J., 462  
 — J. H., 166  
 — S., 314  
 — W., 54  
 Oser, J., 58  
 Oswald, R. R., 338  
 Ott, W., 271  
 Ottaway, W., 38  
 Otter, W. C., 46  
 Otley, W. H., 367  
 Outram, T., 111  
 Outlaw, J., 322  
 Overall, C., 304  
 Owen, D., 454  
 — J., 282  
 — J., 393  
 — J., 406  
 — J. T., 406  
 — M., 86  
 — R., 199  
 — T., 139  
 — T., 174  
 — T. H., 403  
 — W., 446  
 Oxenham, W., 23  
 Oxlade, A., 467  
 Oxley, M., 322  
 Oyler, G. A., 330  
  
 P.  
 Pace, C. R., 308  
 — J., 282  
 Packer, B., 43  
 — J., 242  
 Packwood, L. L., 346  
 Pagdin, J., 142  
 Pagdin, W., 338  
 Page, F., 66  
 — G., 406  
 — J., 234  
 — J., 290  
 — J., 298  
 — J., 411  
 — S. A., & Page, E.,  
 43  
 — T., 423  
 — W., 142  
 — W. J., 446  
 — W. W., 390  
 Paice, J., 454  
 Pain, G., 2  
 — W. H. B., 338  
 Paine, S. W., 451  
 Painton, G., 147  
 Pakeman, W., 468  
 Palfreman, J., 426  
 Palfrey, F. J., 191  
 — S., 240  
 Pallah, H., 158  
 Palmer, G. S., 2  
 — J., 34  
 — R., 312  
 — S., 76  
 — S., 76  
 — T., 10  
 — T., 18  
 — T., 76  
 — T., 102  
 — T., 200  
 — W., 451  
 — W. T., 330  
 Pank, A. C., 150  
 Pankhurst, P., & Pank-  
 hurst, T., 174  
 Panting, T., & Pant-  
 ing, J., 26  
 Panton, J., 411  
 Pape, W., 163  
 Papworth, J., 470  
 Paris, J. F., 335  
 Parish, G. E., 75  
 Park, M., & Francis,  
 T., 219  
 — W., 338  
 Parker, G., 163  
 — H., 242  
 — H. Thompson, F.,  
 & Lassalle, C., 119  
 — J., 191  
 — J., 362  
 — J., 395  
 — M., 387  
 — R., 322  
 — T. N., & Parker,  
 W. H., 66  
 — W., 248  
 — W. H., 247  
 Parkes, G., 358  
 — C. F., 411  
 — G., 446  
 — W., 338  
 — W., 468  
 Parkin, E., & Apple-  
 yard, S., 362  
 — H., 406  
 — N. B., 102  
 — N. P., 100  
 — T., 75  
 Parkins, J., 171  
 — J., 239  
 — J., 346  
 — J., 423  
 Parkinson, E., 398  
 — J., 239  
 — W., 392  
 — W. T., 119  
 Parks, J., 290  
 — S., 242  
 Parr, J., 182  
 — R., 75  
 — R., 166  
 Parry, B., 76  
 — C., 67  
 — H., 191  
 — J., 43  
 — J., 411  
 — W., 2  
 — W. J., 362  
 Parsons, A., 351  
 — F. H., 166  
 — J. C., 240  
 — R., 385  
 — R. N., 200  
 — T., 148  
 — T., 230  
 Parsons, T. P., 411  
 Partington, J., 43  
 Partridge, D., 78  
 — J., 162  
 — J. E., 366  
 — J., 327  
 Pascoe, J. M., & Maw,  
 J. H., 18  
 Pask, W., 66  
 Paskell, T. B., & Pas-  
 kell, L., 354  
 Pass, H., 90  
 Patch, J., 411  
 — W., 279  
 Patrick, H. W., 362  
 — W., 354  
 Patten, Z. R., 232  
 Pattison, F., 422  
 — G., 312  
 — J., 47  
 Patton, R., 460  
 Patrick, G., 279  
 Paul, D. B., 239  
 — J., 35  
 Pauline, C., 290  
 Paxman, H., 78  
 Paybone, R., 179  
 Payne, W., 398  
 Payne, A., 38  
 — C., 70  
 — H., 155  
 — J., 122  
 — J., 147  
 — J., 158  
 — J., 191  
 — W., 194  
 — W., 322  
 — W. P., 362  
 Paynter, W., 429  
 Peacock, G., 411  
 — T., 454  
 — T. M., 46  
 Peake, I., 114  
 Pear, J., 271  
 Pearce, F., 15  
 — G., 366  
 — G., 284  
 — T., 390  
 Pearman, G., 110  
 Pearsall, S., 263  
 Pearce, J. F., 343  
 — T., 23  
 — W., 287  
 — W., 422  
 Pearson, B. G., 306  
 — F., 35  
 — F., 147  
 — G., 2  
 — G. S., 240  
 — J., 10  
 — R., 122  
 — T., 55  
 — T., 158  
 — W., 35  
 — W., 229  
 — W. H., 222  
 Peasod, I., 320  
 Pedder, J. G., 23  
 Pedgeham, W., 88  
 Peel, A., 7  
 Peet, T., 15  
 Pegg, J., 250  
 Pegrum, H., 280  
 Peirson, S., 110  
 Peisley, G., 46  
 Peils, R., 461  
 Penfold, O., 7  
 Pengelly, J., 55  
 Pengelly, C., 280  
 Penicuik, J., & Millar,  
 A., 114  
 Penrose, R., 76  
 Penruddocke, C. W.,  
 W., 346  
 Penson, C., 114  
 Pepper, J., 312  
 — T., 174  
 Percival, J., 114  
 Perles, J., & Trump-  
 per, C. H. F., 327  
 Perkins, B. R., 234  
 — C. A., 239  
 — E., 340  
 — G., 314  
 — J., 222  
 — T., 272  
 — W., 442  
 — W. H., 274  
 Perks, E., 56  
 Perre, E., 23  
 Perrins, T., 54  
 — T., 100  
 Perrons, J., 258  
 — N., 280  
 Perrott, J., 414  
 — J. W., 363  
 Perry, H. B., 10  
 — H. F., 298  
 — J., 8  
 — J., 239  
 — J., 282  
 — J. H., 166  
 Perry, S., 467  
 — W. A., 367  
 — W. E., 239  
 — W. T., 207  
 Perryman, E. J., 274  
 Pescott, J., 18  
 Peters, J., 423  
 Peter, S., 423  
 Peters, G., 392  
 — H. S., 282  
 — R., 370  
 Petherick, S. L., 90  
 Pethick, S., 319  
 — W. H., 218  
 Petipher, T., 55  
 Petrie, G., 10  
 Pett, W., 38  
 Pettet, G., 150  
 — J., 242  
 Pettigrew, A. F., 46  
 Pettit, R., 191  
 Peyton, L. W., 190  
 Pharaoh, C., 274  
 — J. E., 142  
 Phelps, T., 75  
 Phoenix, H., 163  
 Phillips, A., 114  
 — E., 378  
 — G., 245  
 — G., 266  
 — G., 306  
 — H., 362  
 — J., 186  
 — J., 263  
 — J., 266  
 — M., 362  
 — R., 359  
 — R., 362  
 — S., 127  
 — T., 67  
 — T., 335  
 — T., 426  
 — W., 463  
 — W., 422  
 — W. M., 271  
 — W. M., & Phillips,  
 M., 370  
 Philpotts, M. A., 250  
 Philp, G., 200  
 Philpot, T. G., 166  
 Philp, E. C., 338  
 Phillips, G., 343  
 — W., 442  
 Phoenix, J., 90  
 Pick, T., 222  
 Pickard, G. S., 398  
 — S. A., 366  
 Picken, J., 388  
 — N., 330  
 Picker, C., 100  
 Pickering, J. W., 171  
 — J., 174  
 — J., & Sanders, S.,  
 R., 298  
 — R., 360  
 Pickles, R., 266  
 Pidcock, G., 76  
 Piddlesden, S., 191  
 Pidgeon, T., 38  
 — W. H., 179  
 Piercy, J., 382  
 Piff, E., 207  
 Pigott, R., 338  
 Pike, A. B., 47  
 Pilbeam, F., 222  
 — T., 267  
 — T., 162  
 — W., 446  
 Pilkington, J., 191  
 — J., & Pilkington,  
 D., 129  
 — W., 411  
 Pill, G. S., 147  
 Pilotti, A., 295  
 Pinciger, R., 15  
 Pinchoan, R., 367  
 Pinn, J. P., 182  
 Pinnell, C. J., 362  
 Pinner, G., 54  
 Pinyon, T. B., 147  
 Pitcher, C., 34  
 — J., 163  
 Pitman, J., 10  
 Pitt, C., 446  
 — J., 266  
 Place, F., 272  
 Plaque, P., 426  
 Plant, C., 66  
 — J., 367  
 — T. E., 407  
 Plastow, W., 346  
 Platt, J. B., 147  
 — J., 295  
 — S., 467  
 Playford, G., 23  
 Pleydell, J., 142  
 Plummer, J., 99  
 Pockett, H., 442  
 Podger, J., 382  
 Polley, J., 75  
 Pollard, C., 234  
 — J., 290



- Pollard, J. 422  
— W. 136  
— W. 171  
Pollitt, T. 319  
— W. 319  
Pollock, J. M., 171  
Pollott, H. F., 67  
Pollyblank, T. R. J., 191  
Pool, B., 191  
— F. W. 479  
Poole, A., 242  
— C., 406  
— C. E., 208  
— H., 423  
— H. C., 335  
— R., 179  
— R., 247  
— T., 72  
— W. S., 189  
— W. S., & Burkitt, J. L., 279  
Pooley, R., 10  
Pope, C., 138  
— M., 343  
— W. R., 470  
Popper, D., 234  
Poppo, G., 53  
Portch, W. D., 234  
Porter, E., 88  
— G., 142  
— J. W., 114  
— T. M., 150  
— W., 136  
Postlethwaite, G., 422  
Pott, A., 179  
Potter, F., 179  
— T., 171  
— W. S., 46  
Potton, H., 470  
Potts, E., 346  
— E. C., 191  
— W. 75  
Pouches, G. J., 311  
Poultney, T., 304  
Pound, J. D., 368  
Powell, A., 411  
— A. W., 255  
— B., 205  
— E., 100  
— E., 249  
— J., 162  
— J., 222  
— J., 233  
— J., 382  
— J., 386  
— R., 162  
— W., 38  
Power, J. U., 182  
— W., 306  
— W. B., 182  
Powter, W., 114  
Poyner, W., 219  
Prall, G. W., 76  
Pratt, L., 171  
— J., 23  
— S., 467  
Pratten, F., 174  
— T., 86  
Prece, T., 250  
Prescott, T. W. T., 293  
Press, J. P., 158  
Prest, C., 256  
Preston, C., 339  
— K. W., 170  
— J., 454  
— J., & Pearcey, G., 23  
— R., 290  
— W. H., 122  
Pretterjohn, E. J., 470  
Pretterjohn, E. J., 467  
Price, E., 67  
— E., 126  
— E., 335  
— M. G., 319  
— R., 180  
— S., 210  
— T., 86  
— T., 158  
— T., 200  
— W. H., 403  
Pridgen, H. R., 100  
— S., 304  
Priest, H. C., 388  
Priestley, E., 55  
— G., 165  
— N., 155  
— T., 162  
Prime, E. T., 142  
— J., 34  
Prince, F. W., 354  
— J. J. A., 38  
— T., 182  
— W. T., 446  
Pring, J., 219  
— J., 210  
Pringle, R. M., 142  
Pritchard, G., 443  
— J., 365  
— R., 127  
Pritchard, W., 298  
Pritchett, A. T., 330  
Probert, W., 102  
— W., 470  
Procter, J., 34  
— N., 126  
Proctor, J., 166  
— J. W., 311  
Prosser, T., 150  
— W., 406  
Prothero, T. D., 330  
Prout, C., 110  
— J., 54  
Pryce, T., 354  
Puddy, G., 242  
Pudney, J., 130  
Pudney, S., 386  
Pugh, H. M., 327  
— J., 182  
— W., 338  
— W., 492  
Pugsley, G., 386  
Pullen, S. B., 16  
— T. J., 459  
Pullin, J., 210  
Pullinger, H., 162  
— J. M., 15  
Purdon, R., 397  
Purkiss, W. T., 210  
Purr, W. W., 34  
— W., 75  
Pusey, T., 338  
— W., 18  
Putnam, J., 68  
Pycoft, W. N., 331  
Pye, H. H., 460  
Pymont, C. E., 308  
Pyke, H., 395  
Q.  
Quall, B. J., 247  
Quarterman, G., 290  
Quartley, H. J., 180  
Quech, K., 446  
Quick, J., 467  
— R., 290  
Quincy, W., 426  
Quinn, T., 114  
Quinnell, A., 446  
Quixley, J. H., 335  
— W., 263  
R.  
Rackham, M. R., 43  
Radcliffe, S., 350  
Radnall, H., 163  
Rafters, H., 322  
Raine, T., 454  
Raife, F. W., & Long, C., 319  
Ralph, J., 110  
Ramden, G. W., 367  
— J., 480  
— J., 446  
— R., 451  
Randall, T. W., 263  
— W. H., 43  
Randell, W., 147  
Randle, C., 354  
— W., 250  
— W., 462  
Randolph, J., 346  
Rane, J., 55  
Ranford, W., 351  
Rankin, A., 23  
— T. I., 191  
Ransley, J., 387  
Ransom, C., 180  
Raper, J., 150  
Raphael, J., 250  
Ranley, J., 147  
Raschiff, A., 76  
Ratcliffe, W., 470  
Ratlid, H. G., 102  
Raven, W., 220  
Rawie, R. E., 126  
Rawlin, J. K., 171  
Rawlings, H. D., 306  
Rawlins, T., 271  
Rawlinson, W. H., 442  
Rawson, A., 108  
Raymond, S. G., 250  
Rayner, H., 66  
— W., 422  
— W. F., 354  
Rea, J., 191  
— T., 268  
Read, C. H., 414  
— C. T., 412  
— M., & Humphreys, M., 127  
— R., 43  
— R., 446  
Reader, J., 147  
Reading, S., 162  
— W., 122  
Ready, H., 274  
Reaney, M., 199  
Reckless, A., 171  
Redburn, G., 99  
Reddick, S. W., 202  
Redfern, G., 446  
Redmond, J., 127  
Redpath, H., 346  
Reeco, W., 88  
Reed, J., 154  
— W., 53  
— W., 110  
Rees, A., 467  
— D., 468  
— F. J., 327  
— W., 111  
— W., 155  
— W., 346  
Reeve, T., 222  
Reeves, J., 280  
Reid, P., 279  
— R., 153  
— W., 298  
Remmett, C. T., 43  
Remmitt, T., 280  
Rennie, J., 250  
Renshaw, J., 442  
Renton, A. H., 2  
Renwick, J., 155  
— R., 110  
Restarick, E., 442  
Renfrew, K. H., 479  
Revell, J., 230  
Reverie, J., 200  
Revitt, C. A., 378  
Reynolds, C., 10  
— C., 43  
— C., 454  
— G., 122  
— H., 273  
— H., 245  
— H., 403  
— J., 99  
— J., 282  
— J., 288  
— T., 75  
— W., 90  
— W. H., 234  
Rheese, T., 18  
Rhodes, G., 319  
— S., 112  
— W., 320  
— W. R., 200  
Rice, A., 446  
— J., 222  
— W. W., 162  
Rich, F., 162  
Richard, A., 343  
Richards, B. H., 400  
— D., 312  
— J., 468  
— M. S., 382  
— T., 54  
— W., 423  
— W. H., 446  
Richardson, E., 327  
— G., 99  
— G., 270  
— G., 454  
— H., 454  
— J., 154  
— J., 179  
— J., 210  
— J., 247  
— J., 361  
— J. M., 46  
— T., 67, 210  
— T., 282  
— T., 312  
— W., 266  
— W., 295  
— W. H., 43  
Richens, C., 126  
Riches, R., 346  
Richmond, C., 154  
— P., 190  
— P., 191  
Rickett, H., 370  
Ricketts, J., 170  
Rickman, W., 90  
Ridd, J., 263  
Ridding, R., 78  
Riddit, A., 304  
Rider, T., 67  
— W., 406  
Ridehalgh, J., 163  
Ridge, J. C., 99  
— T., 203  
Riding R., 468  
Ridley, W., 382  
Ridpath, E. V., 119  
Rieck, E. F. W., 96  
Rigby, J., 282  
Riley, C., 403  
— E., 162  
— J. B., 382, 395  
— J. S., 330  
— R., 468  
— W., & Riley, T., 38  
Riso, M. C., 362  
Ritchie, G., 38  
— J. E., 330  
Ritson, H., 467  
Riz, C., 75  
— C., 86  
— C., 102  
Rixham, G., 412  
Robbins, W. H. J., 274  
Robertson, S. C., 208  
Roberts, A., 426  
— D., 338  
— E., 138  
— E., 155  
— E., 240  
— E., 322  
— E., 343  
— F., 451  
— F., 287  
— F. H., 403  
— H., 351  
— J., 64  
— J., 138  
— J., 147  
— J., 174  
— J., 210  
— J., 295  
— J., 366  
— J., 468  
— J. B., 114  
— J. R., 206  
— J. W., 229  
— J. W., 271  
— R., 346  
— R., 412  
— R., 422  
— W., 54  
— W., 343  
— W., 346  
— W., 390  
— W., 412  
Robertson, A. G. C., 248  
— C., 274  
— J., 99  
— N., 100  
— J. C., 351  
Robins, E. T., 208  
— G. B., 46  
— J., & Priest, F., 75  
— J., 350  
Robinson, A., 15  
— B. G., 147  
— D., 136  
— C., 76  
— C., 153  
— G., 23  
— G. F., 351  
— J., 34  
— J., 126  
— J., 155  
— J., 180  
— J., 200  
— J., 327  
— J., 428  
— J., 454  
— J. B., 88  
— J. G., 110  
— J. K., 423  
— P., & Carr, T., 462  
— R., 280  
— R., 367  
— S., 322  
— T., 42  
— T., 54  
— T., 239  
— T., 306  
— T., 322  
— T., 479  
— T., & Booth, S. B., 460  
— W., 55  
— W. H., 10  
Robison, H., 451  
Robson, J. E., 446  
— P., 210  
— R. S., 219  
— T., 451  
Rock, H. W., 70  
— J., 202  
— W., 335  
Rockcliffe, S., 139  
— T., 351  
Rodd, J. F., 76  
Roddie, J., 248  
Roddie, J., 106  
Roddie, J., 308  
Rodger, J., 378  
Rodgers, G., 163  
— R., 68  
Rodwell, G., 330  
— W., 127  
Roebuck, T., 298  
— W. M., 111  
Rofe, T., 18  
Roffey, B., 171  
Rogalsiewicz, B. R., 454  
Rogers, D., 18  
— G., 147  
— H., 34  
— H. J. N., & Bennett, W. M., 38  
— J., 18  
— J., 68  
Rogers, T., 180  
— T., 335  
— T., 454  
— W., 15  
— W., 250  
Rohrs, A. L., 363  
— W., 130  
— W. A., 314  
Rolfe, A., 78  
— J. H., 2  
Rollason, J., 451  
Rollitt, S., 452  
Rolls, J. J., 199  
Rome, J., 93  
Romer, F., 382  
— F., 459  
Ronca, F., 319  
Romfield, F., 100  
Rook, R., 350  
— T., 114  
— T., 250  
Rooney, J., 319  
Roose, R., 163  
Roper, J. G., 382  
— W., 103  
Roscoe, R., 479  
Rose, G., 34  
— J., 250  
— R. G., 293  
— T., 338  
— W., 202  
Rosenthal, H., 70  
— L., 470  
Rosling, G. W., 86  
Rose, H. H., 306  
— D., 234  
— D. J., 90  
— E. G., 454  
— H., 354  
— J. R., 470  
— T., 23  
— W., 100  
Ross, L., 171  
Rossiter, J. C., 311  
Roston, R., 138  
Roth, J., 15  
Rothwell, H., 85  
Roto, A., 18  
Roughley, J., 139  
Rounding, W., 2  
Rouse, J., 90  
Rouse, J., 247  
Rowan, H., 219  
— R. E., 174  
Rowcliffe, C., 86  
Rowcroft, J., 119  
Rowe, C. J., 202  
— J., 15  
— J. P., 442  
— T., 306  
Rowell, E., 208  
Rowland, J., 367  
— T., 319  
— T. W., 240  
Rowlands, R., 359  
— R., 359  
Rowles, J., & Winterborne, R. G., 102  
Rowley, H., 194  
— J., 75  
— T., 197  
Rowwell, J. J., 250  
— S., 111  
Roybould, J., 86  
Royce, H. W., 470  
Royds, J. W., 190  
Royle, E., 42  
— E., Royle, P., Royle, J., Royle, S., & Royle, J., 467  
— T., 422  
— M. A., 479  
Royston, H., 200  
Ruck, W. D., 130  
Ruddick, R., 408  
Ruddisky, I., 287  
Ruff, J., 462  
Ruffell, D., 180  
Rule, C. G., 150  
— E., 150  
— W., 306  
Rumsey, T., 171  
Rundle, J. E., 234  
— J. T., 85  
Runnalls, R., 190  
— R., 232  
Ruscoe, E., 139  
Rushforth, T., 55  
Rushon, H., 87  
— J., 43  
Rushworth, G., 110  
Russell, A., 179  
— E., 66  
— E., 247  
— E. C., 163  
— E. W., 271  
— H. B., 335  
— J., 75  
— J., 200  
— R., 330  
— W., 279  
Rust, C., 274  
— F., 387  
Rutherford, G., 78  
— J., & Jackson, R., 248  
Ruthven, J. S., 163  
Rutland, G., 66  
— J., 255  
Rutter, E., 43  
Rutledge, T., 191  
— T., 207  
Ryan, E., 229  
— J. J., 479  
Ryder, H. T., 130  
Ryder, R., 232  
— W. H., 306  
Rymell, W., 102  
Rymill, W., 428  
S.  
Sabberton, T. W., 219  
Saberton, W., 239  
Sabine, T., 70  
Sach, G., 279  
St. Clair, G. H., 206  
St. Maline, H., 38  
Saich, M., 166  
Sallisbury, J., 295  
Sallis, J., 422  
Sallows, J., 243  
Salmon, J., 138  
— R., 314  
— S., 314  
Salter, F. H., 42  
— N., 202  
— R., 451  
Salthouse, H. G., 75  
Saltmer, F. G., 222  
Salmer, R., 139  
Sampaon, W. G., 390  
Samson, G., 23  
Samuel, J., 308  
Samuels, L., 210  
Sandercock, W., 163  
Sanders, E., 387  
— I., 442  
— J., 322  
— P., 256  
— S. R., 267  
— S. R., & Pickering, J., 298  
— T., 330  
— W. A., 306  
— W. S., 138  
Sanderson, G., 180  
— J., 295  
Sandiford, S., 248  
Sands, J., 162  
Sandwith, J., 23  
Sanford, H., 42  
Sang, J. F., 398  
Samsone, W., 290  
Saph, J., 335  
Sarfus, H., 46  
Sargenti, R., 346  
Sargent, H., 406  
Sargent, M., 174  
— R. O., 370  
Sasse, F. R., 99  
Satterthwaite, C., 230  
— E., 54  
Saunders, B.; Saunders, W. D., & Lovell, J., 366  
— C., & Jackson, C., 222  
— C. W., 242  
— H., 190  
— J., 43  
— J. A., 7, 99  
— J. H., 314  
— S., 454  
— T., 80  
Sawie, F., 426  
Sawell, E., 319  
Sayors, C., 171  
Sayle, R., 10  
Saywell, G., 155  
Sax, A., 298  
Scadinary, E. G. A. G., 99  
Seafie, J., 88  
— J., 239  
Seale, W. A., 387  
Seales, E., 7  
Scammell, T., 35  
Scandrett, W. L., 142  
Scanlan, R., 308  
Scheffer, W. C. T., 454  
Schaffer, J., 357  
Schick, W. M., 263  
Schmidt, T. H., 255  
Schmieden, A., 230  
Schofield, J., 468  
— J., 330  
— T., 55  
Scholey, P., 459  
Scholfield, A., 75  
Scholy, H., 158

- Schukla, C., 35  
 Schwarz, W., 174  
 Schlater, E. W. J., 199  
 Scoones, T. C., 348  
 Scoon, J., 367  
 Scotland, F., 58  
 Scouson, F., 343  
 Scott, B., 467  
 C. 119  
 — F. G. T., 119  
 — H., 168  
 — H., 305  
 — H. D., 423  
 — J., 426  
 — J. H., 420  
 — J. L., 78  
 — M., 46  
 — P. T., 165  
 — R. J., 90  
 — R., 88  
 — T., 335  
 — W., 995  
 Scottorn, J., 395  
 Scrase, J. B., 287  
 Scriven, J., 338  
 Scrivener, J., 119  
 Scrivner, W., 910  
 Scurlock, J., 383  
 Scurr, J., 139  
 Seal, S., 194  
 Seales, M., 446  
 Seaman, E. C., 236  
 — W., 308  
 Seamen, D., 343  
 Sears, T., 250  
 Seawan, S., 423  
 Sebright, T., 395  
 Seccombe, G., 426  
 Seddon, H., 165  
 Sedhouse, W., 111  
 Seeley, J., 335  
 Seeley, J. C., 293  
 Selby, G., 390  
 — P., 318  
 Self, C., 7  
 — T., 387  
 Sellers, R., 66  
 Selva, W. G., 307  
 Sendall, G., 163  
 Senior, H., 127  
 — J., 135  
 Sergeant, J., 266  
 Serres, H. S., 65  
 Service, C. G., 86  
 Sever, W., 900  
 Sewell, G. E., 295  
 — J., 371  
 — M., 322  
 — P., 414  
 — R., 99  
 — S. J., 423  
 Seymour, J., 351  
 — J., 460  
 Shackleton, A. S., 335  
 — G., 266  
 Shade, T., 199  
 Shadbolt, J., 322  
 Shalla, J. F., 454  
 Shambrook, J., 378  
 Sharood, C. J., 130  
 Sharp, D., & Sharp, J., 378  
 — N., 311  
 — P. H., 329  
 — S., 314  
 — T., 68  
 — T., 286  
 — W. S., 430  
 Sharpe, F. R., 382  
 — W., 395  
 Shaw, A., 306  
 — A., 350  
 — C. E., & Shaw, F., 26  
 — C., 162  
 — D., 333  
 — D., 367  
 — G., 119  
 — H. H., 330  
 — J., 75  
 — J., 179  
 — J., 423  
 — J., 481  
 — J. C., 46  
 — J. P., 171  
 — L., 260  
 — M., 18  
 — S., 311  
 — T., 76  
 Shaul, J., 147, 335  
 Shayer, E. D., 26  
 Shea, W., 463  
 Shead, S. G., 423  
 Sheard, J. H., 127  
 Shearman, T., 26  
 Shears, G., & Shears, J., 46  
 Sheaby, J., 423  
 Sheehan, J., 155  
 Sheehan, J., 163  
 Sheen, J. M., 93  
 Sheffield, J. J., 2
- Sheldon, D., 368  
 Sheldrake, E., 163  
 Shellard, W. H., 56  
 Shelley, E., 265  
 — E. S., 266  
 — J. B., 266  
 Shenton, W., 359  
 Sherry, C., 223  
 Sherrard, B. R., 8  
 — J. H., 136  
 — 298  
 Shepherd, G., & Heslop, R., 443  
 Sherlock, G., 68  
 Sherrin, E. B., 368  
 Sherring, A. J., 169  
 Sherrington, F., 303  
 Sherwood, A., 160  
 Shettle, T., 46  
 Shield, M., 78  
 Shields, J. M., 290  
 — J. W., 273  
 Shill, J., 23  
 Shillbeer, W. L., 171  
 Shimmson, J., 18  
 Shingfield, A., 335  
 Shipman, W., 479  
 Shipp, W., 279  
 Shippam, J., 319  
 Shipway, C., 346  
 Shipwright, R., 232  
 Shore, J., 179  
 Shorey, C., 34  
 Shorrocks, Y., 296  
 Short, J., 426  
 — J., 426  
 — W., 100  
 — W. H., 58  
 Shorter, J., 426  
 Shortland, T., 223  
 Shorton, J., 346  
 Shoulter, F., 247  
 Shrover, C., 36  
 Shrimpton, G., 3  
 Shuttlesworth, J., 43  
 — T. W., 346  
 Siddall, G., 247  
 — J., 467  
 — S., 138  
 Siddons, J., 330  
 Sidebottom, E., & Snodell, H., 23  
 Siddall, G., 451  
 Sier, W., 327  
 Sigworth, W., 163  
 Silcock, R. C., 66  
 Silk, R., 247  
 Simcox, T., 143  
 Simister, J. E., 127  
 — P. H., 323  
 — S. H., 423  
 Simm, J., 13  
 Simmonds, M., 363  
 — S., 446  
 — T., 10  
 — W., 273  
 — W. J., 467  
 Simmons, J. W., 300  
 — S., 367  
 Simon, E., 223  
 — J., 8  
 — W., 351  
 Simonds, H. P., 70  
 Simons, E., 428  
 — G., 346  
 Simpkins, J., 147  
 Simpson, A., & Blundell, W. H., 75  
 — H., 346  
 — J., 15  
 — J., 130  
 — J., 147  
 — J., 147  
 — J. C., 179  
 — P., 55  
 — R. C., 54  
 — T., 78  
 — T., 469  
 — W., 10  
 Sima, A., 406  
 — E., 308  
 — J., 470  
 — M., 350  
 — W., 307  
 — J. W., 290  
 — J. W., 367  
 Sinclair, B., 247  
 Singleton, J., 34  
 Slamey, J. B., 158  
 Slason, F., 55  
 Slason, S., 42  
 Slawick, M. A., 35  
 Sixsmith, J., 15  
 Skeath, J. W., 195  
 Skelington, E., 312  
 — R., 220  
 Skelding, J., 263  
 Skelton, W. A., 426  
 Sketchley, W., 354  
 Skidmore, J., 330  
 Skinner, J., 54  
 — N. F., 127  
 — S. J., 454  
 Skudder, R., 34  
 Slack, M., & Slack, M. C., 263
- Slack, M., 460  
 — T., 406  
 Slagg, J., 446  
 Slater, C., 147  
 — G., 443  
 — H., 327  
 — J., 367  
 — J., 426  
 — W., & Wilson, J., 298  
 — W., 2  
 — W., 34  
 Slatter, J., 470  
 Sligh, S., 78  
 Slim, C., 268  
 Slip, E., 272  
 — E., 267  
 — H., 443  
 Slocombe, R., 75  
 — W. H., 136  
 Slowe, J. J., 454  
 Sluman, G., 210  
 Slyper, J. S., 143  
 Smale, E., 243  
 — J. S., 295  
 Smallman, J., 263  
 Smallwood, W., 329  
 Smart, H., 369  
 — R., 423  
 Smelt, T., 43  
 Smerdon, H., 307  
 Smith, A., 179  
 — A., 354  
 — A. J., 279  
 — C., 46  
 — C., 263  
 — C. J., 223  
 — C. M., 90  
 — C., & Peace, W., 75  
 — C., 335  
 — D., 67  
 — D. D., 122  
 — E., 160  
 — E., 304  
 — E., 367  
 — F. M., 90  
 — F., 296  
 — F. H., 423  
 — G., 34  
 — G., 114  
 — G., 210  
 — G., 335  
 — G. W., 75  
 — H., 174  
 — H., 279  
 — H., 346  
 — H., 423  
 — H. B., 423  
 — H. M., 279  
 — H. S., 43  
 — I., 327  
 — J., 2  
 — J., 3  
 — J., 10  
 — J., 34  
 — J., 42  
 — J., 43  
 — J., 75  
 — J., 163  
 — J., 200  
 — J., 200  
 — J., 223  
 — J., 234  
 — J., 240  
 — J., 247  
 — J., 280  
 — J., 287  
 — J., 301  
 — J., 346  
 — J., 368  
 — J., 413  
 — J. B., 223  
 — J. B., 271  
 — J. H., 330  
 — J. M., 247  
 — J. P., 239  
 — J. R., 139  
 — J. S., 75  
 — J. S., 368  
 — J. T., 155  
 — J. W., 304  
 — J. W., 367  
 — M., 190  
 — N., 423  
 — N., 423  
 — P. F., 306  
 — R., & Atkinson, A., 166  
 — R., 138  
 — R., 298  
 — R., 403  
 — R. A., 154  
 — R. T., 423  
 — S., 34  
 — S., 154  
 — S., 171  
 — S., 260  
 — S., 268  
 — S. F., 266  
 — S. R., 150  
 — T., 10
- Smith, T., 87  
 — T., 86  
 — T., 138  
 — T., 180  
 — T., 295  
 — T., 312  
 — T. H., 395  
 — W., 54  
 — W., 76  
 — W., 136  
 — W., 236  
 — W., & Smith, J., 295  
 — W., 323  
 — W., & Smith, W. J., 354  
 — W., 398  
 — W., 423  
 — W. B., 66  
 — W. P., 23  
 — W. P., & Hawksley, W. B., 35  
 — W. Y., 2  
 Smither, H., 354  
 Smithson, G., 119  
 Smylie, R., 126  
 Smyth, C., 248  
 — C., 280  
 — J. R., 76  
 — S. R., 2  
 Snaith, D., 306  
 Snape, J., 442  
 — W., 163  
 Sneath, C., 102  
 Snook, R., 54  
 Snow, W., 479  
 Snowden, J., 451  
 Soady, B., 68  
 Soar, G. A., 443  
 — W. H., 18  
 Solca, J., & Solca, J., 103  
 Sole, G., 55  
 — W. S., 412  
 Solloway, E., 15  
 — E., 67  
 Solomon, E., 219  
 Somerville, W., 126  
 Soppett, T., 171  
 South, G., 411  
 — T., 319  
 Southall, J., 102  
 — S., 143  
 — W., 406  
 Southery, J., 366  
 Southwell, D. S., 295  
 — E., 43  
 Southwick, E., 267  
 Sowerby, M., 254  
 Sparham, H. M., 110  
 Sparks, H., 163  
 Sparks, W., 387  
 Sparrow, C. J., 247  
 Spatcher, W., 274  
 Speakman, W., 354  
 Spedding, C., 43  
 — S., 166  
 Speed, J. W., 179  
 Spellen, J. N., 359  
 Spence, M., 287  
 Spencer, A., 271  
 — J., 319  
 — R., 66  
 — S., 143  
 — W., 413  
 Spicer, E., 3  
 — J. H., 55  
 — M., 180  
 — T., 250  
 — W., 166  
 Spiers, T., 88  
 — W., 191  
 Spikes, J., 147  
 Spincer, J., 378  
 Spinks, G., 414  
 Spittle, T., 279  
 Sprang, R. H., 390  
 Sprawson, C., 361  
 — E., 139  
 Spratt, W., 45  
 Spring, G., 423  
 Springbett, J., 250  
 Spritt, W., 323  
 Spry, G., 411  
 Spong, F., 351  
 Spooner, J., 66  
 — J., 119  
 Spurr, J. W., 155  
 Squires, J., 34  
 Stabb, J., 111  
 — W., 111  
 Stables, S., 119  
 Stace, W. G. T., 86  
 Stacey, E., 234  
 — H., 191  
 — T. C., 368  
 Staddon, J., 295  
 Stafford, W., 218  
 Stagg, T., & Stagg, W. H., 100
- Stait, F. H., 191  
 Stalker, E., 43  
 Standeven, T., 287  
 Standing, W., 119  
 Standing, C. L., 412  
 Stanbury, G., 274  
 — T., 143  
 Stanford, J., 395  
 — S., 454  
 — T., 323  
 Stanier, F., 426  
 Staniforth, G. H., 470  
 Stanley, J., 319  
 — W., 451  
 Stannard, W., 75  
 — W., 390  
 Stansfield, G., 67  
 Stanton, J., 154  
 — J., 163  
 — J. S. S., 363  
 Stanworth, T., 191  
 Staples, E., 263  
 Stapleton, J., 403  
 — W., 319  
 Stark, J., 38  
 — R., 426  
 — W., 292  
 — W., 290  
 Starkey, J., 379  
 — J., 346  
 Starling, S., 303  
 Starmer, T., 266  
 Start, F. H., 180  
 Stathard, J., 363  
 Staunton, J., 18  
 Stead, J., 338  
 Steadman, T., 205  
 Stear, J., 263  
 Stearnman, T. S., 290  
 Stears, S., 54  
 — W. M., & Stears, E., 7  
 Steel, W., 210  
 Steedman, J., 194  
 Steel, J., 34  
 — T., 343  
 Steele, A., 314  
 — F. S., 378  
 Steeles, M., 426  
 Steinhalt, J., 223  
 Steifox, J., 239  
 Stenner, R., 132  
 Stennett, J., 132  
 Stephens, J., 136  
 — J., 378  
 — R., 378  
 — W. A., 368  
 Stephenson, F., 263  
 — H., 274  
 — J., 335  
 Stern, E., 303  
 Stevenborough, D. L., 191  
 Stevens, D., 166  
 — G., 354  
 — J., 163  
 — J., 223  
 — J., 467  
 — J., 470  
 — J. G., 398  
 — P., 163  
 — R. W., 179  
 — W. R., 102  
 Stevenson, H., 224  
 — J., 66  
 — T., 398  
 Steward, J., 35  
 — T. F., 180  
 — W., 240  
 Stewart, A., 158  
 — J., 34  
 — J., 66  
 — S. H., 279  
 — W. S., 114  
 Still, J., 263  
 Stiles, J., 423  
 Still, J., 395  
 Stillborn, F., 460  
 — M., 378  
 Stillings, W., 327  
 — R., 454  
 Straker, R., 9  
 Stokes, R., 423  
 Stobart, J., 423  
 Stock, A. G., 243  
 — L., 295  
 Stockdale, H., 220  
 Stocker, G. B., 194  
 — T., 289  
 Stockford, J. T., 443  
 Stockley, W., 467  
 Stocks, J., 398  
 Stockton, J., 34  
 Stockwell, G. R., 111  
 — W. J., 100  
 Stokes, R., 171  
 — T. C., 368  
 Stone, C. E., 351  
 — E. W., 250  
 — F. J., 411  
 — G., 114
- Stone, J., 268  
 — J., 460  
 — T. E., Stone, E. J., & Stone, M. S., 538  
 — W. R., 119  
 Stones, W., 366  
 Stoner, G., 166  
 Storey, E., & Haigh, D., 10  
 Storr, J., 127  
 Storis, P. C., 163  
 Stott, J., 67  
 Stout, E., 412  
 Stowell, E., & Everett, A. J., 274  
 — J. T., 183  
 — W., 279  
 Strachan, J., 163  
 Strange, E., 367  
 — F. W., 110  
 Stratford, G., 150  
 Stratton, J. G., 87  
 Streetfield, W., 247  
 Streetier, G. S., 67  
 Street, F. J., 390  
 — H., 279  
 Strickland, W., 265  
 Stride, S. E., & Clakke, F., 311  
 Stringer, C., 240  
 — R., 479  
 Strong, H. E., 282  
 Stroud, A., 390  
 — R., 206  
 Strouther, W., 223  
 Strutt, G., 290  
 Stuart, C., 88  
 Stubbs, J., 119  
 — P., 192  
 — P. G., 279  
 — T., 338  
 Stuckey, B., 232  
 — J., 387  
 Sturmer, F., 163  
 Stutely, E. A., 174  
 Styling, H., 468  
 Such, S., 467  
 Suckling, H. W., 190  
 Sudlow, H. M., 264  
 Sullivan, Sir C., 174  
 — D., 66  
 — M., 127  
 Summerfield, G., 208  
 Summers, J., 426  
 Summers, J., 129  
 Summerfield, R., 269  
 Summerton, T., 179  
 Sumner, E., 426  
 Sutcliffe, J., 143  
 Surman, J., 378  
 — W., 379  
 Surridge, W., 76  
 Sutcliffe, J., & Sutcliffe, J., 423  
 — J., 268  
 — N., 423  
 — W., & Sutcliffe, J., 126  
 — W., Sutcliffe, A., & Whitaker, J., 154  
 Suter, C., 229  
 — G. W., 551  
 Sutherland, J., 150  
 — T., 247  
 Sutton, E., 200  
 — H., 179  
 — J., 15  
 — J., 75  
 — J., 403  
 — S., 314  
 Swaine, S., 25  
 Swaisland, C. W., 351  
 Swan, C., 271  
 Swannack, F., 119  
 Swannock, C., 172  
 Swanson, R. B., 367  
 Swbeck, F., 279  
 Swenbeck, F., 262  
 Swift, O., 168  
 — R., 454  
 — S., 180  
 — T. M., 130  
 — W. A., 191  
 Swinborn, W., 36  
 Swinnell, A., 311  
 Sydenham, A., 338  
 Sydney, J. J., 194  
 Syer, J. W., 35  
 Syers, J. M., 34  
 Sykes, J., 180  
 — J. M., 298  
 — M., 460  
 — N., 250  
 — W., 34  
 Sylvester, H., 163  
 — J., 587  
 Symonds, J., 426  
 Symonds, E., 441  
 — G., 75  
 Symons, G., 68  
 — J., 361

- T.  
 Tabb, J., 9  
 Tabbar, G., 902  
 Tackle, S. B., 942  
 Taft, J., 43  
 Tagman, J. E., 100  
 Talbot, M., 451  
 Taley, J. G. A., 390  
 Talkingdon, J. J., 482  
 Tanner, J., 298  
 Tanser, W., 179, 940  
 Tapp, J., 158  
 Tarbit, J., 308  
 Tarr, H., 142  
 Tarrant, J. R., 35  
 Tarry, T., 351  
 Tarte, W., 35  
 Tasker, R. T., 398  
 Tassell, T., 223  
 Tate, A., 163  
 — J., 256  
 Tatem, C., 199  
 Tatham, C., 163  
 Tattersall, E., 239  
 — J., 319  
 — T., 441  
 Tatton, D., 248  
 Taunton, H., 406  
 Tayler, E., 155  
 — E. M., 451  
 — F., 311  
 Taylor, D., 303  
 — E., 7  
 — E., 111  
 — E., 219  
 — E., 336  
 — E., 414  
 — E., 468  
 — E. C. L., 106  
 — E. E., 76  
 — F., 168  
 — F., 210  
 — G., 367  
 — G., 461  
 — H., 10  
 — H., 190  
 — H., 190  
 — H., 266  
 — H., 279  
 — H., 340  
 — H. W., 218  
 — J., 42  
 — J., 127  
 — J., 163  
 — J., 208  
 — J., 264  
 — J., 335  
 — J., 367  
 — J., 390  
 — J., 479  
 — J. G., 441  
 — J. H., 379  
 — M., 88  
 — R., 15  
 — R., 210  
 — R., 298  
 — R., 396  
 — R., 467  
 — S., 65  
 — S., 295  
 — T., 208  
 — T., 287  
 — T., 362  
 — T. G., 304  
 — T. & Longbot-  
 tom, S., 408  
 — T. M., 351  
 — W., 15  
 — W., 54  
 — W., 61  
 — W., 100  
 — W., 163  
 — W., 172  
 — W., 250  
 — W., 327  
 — W., 337  
 — W., 390  
 — W., 468  
 Tayton, J., 189  
 Tazaker, H., 451  
 Teague, A. S., 304  
 — J., 147  
 Teasdale, G., 8  
 — T., 322  
 Tebbutt, J., 127  
 Telford, E., 441  
 Telling, J., 240  
 — T., 264  
 Tempest, J., 303  
 Templeman, R., 411  
 Tergay, L., 422  
 Terrington, R., 222  
 Terry, E. E., 157  
 Tetley, J., 18  
 Teulon, J., 7  
 Tew, T., 162  
 Thacker, W. D., 248  
 Thackway, A., 422  
 Thanisch, C. J., 87  
 Theaker, J., 306  
 Theedam, C., 330  
 Thewlis, C., 43  
 — T., 119  
 Thick, H., 171  
 Thiedemann, O., 114  
 Thomas, C., 147  
 — D., 18  
 — D., 138  
 — D., 479  
 — D. & Thomas, A.,  
 351  
 — E., 255  
 — E. C., 182  
 — F. C., 282  
 — F. S., 200  
 — G., 210  
 — G. W., 35  
 — H., 154  
 — H., 200  
 — H., 279  
 — H. W., 102  
 — J., 78  
 — J., 127  
 — J., 194  
 — J., 240  
 — J., 306  
 — J., 441  
 — J. T., 130  
 — R., 306  
 — R., 335  
 — R., 452  
 — S., 239  
 — S., 296  
 — T., 2  
 — T., 65  
 — T., 111  
 — T., 179  
 — T., 190  
 — T., 285  
 — T. B., 88  
 — W., 99  
 — W., 248  
 — W., 279  
 — W., 310  
 — W. H., 26  
 — W. L., 351, 359  
 Thomsett, C. G., 88  
 Thompson, R., 191  
 — F., Parker, H., &  
 Lassalle, C., 119  
 — F. F., 163  
 — G., 264  
 — G. S., 287  
 — J., 127  
 — J., 295  
 — J., 362  
 — J., 350  
 — J., 441  
 — M., 190  
 — M., 250  
 — R., 70  
 — R., 295  
 — R., 306  
 — R., 320  
 — T., 138  
 — T., 250  
 — T., 460  
 — W., 42  
 Thomson, J. D. C., 34  
 — R. S., 239  
 Thorley, W., 273  
 Thorn G., 398  
 — M., 55  
 — R., 263  
 Thorne, F. J. &  
 Thorne, W., 163  
 — J. H., 110  
 — W., 2  
 Thornely, G., 319  
 Thornton, J. R., 210  
 Thorp, C., 370  
 — S., 42  
 Thorpe, C., 42  
 — F., 210  
 — J., 164  
 Thrale, J., 164  
 Thrush, J., 264  
 — T., 142  
 Thurlwell, C., 147  
 Thurman, J., 451  
 Thurston, H., 303  
 Thwaites, C. &  
 Thwaites, A. C., 66  
 — W., 168  
 Tidy, R., 454  
 Tierman, J., 126  
 Tildesley, T., 120  
 Tilley, W., 335  
 Tilson, J., 305  
 — J., 451  
 Timmins, T., 164  
 — W., 329  
 Timothy, R. V., 75  
 Timpon, M., 290  
 Tinkler, H., 240  
 Tipper, J., 493  
 — R., 33  
 Tipples, T., 42  
 Tippler, W., 495  
 Tipton, G., 451  
 Titterton, C., 335  
 Todd, H., 248  
 Todd, T., 362  
 Tolfree, J., 158  
 Tollmeche, Rev. R.  
 W. L., 350  
 Tolliver, H. N., 292  
 Tolley, J. D., 367  
 Tomkins, E., 199  
 Tomlin, A., 126  
 Tomkinson, J., 248  
 Tomlinson, S., 180  
 Tomlyn, J., 271  
 Toma, G. S., 65  
 Tomschitz, J., 379  
 Tong, J., 322  
 Tonge, R. J., 8  
 Tongue, E. A. B., 479  
 Toon, E., 454  
 Tooth, J., 280  
 Topham, E., 279  
 — J., 127  
 Toplis, D., 179  
 Topp, C., 258  
 Totterdell, T. J., 263  
 Towan, S., 320  
 Towle, H., 279  
 Town, C., 255  
 — E. H. J., 154  
 Townsend, E., 295  
 — E., 351  
 Townsend, C., 280  
 — C., 298  
 — J., 190  
 — S., 266  
 — S., 2  
 — W., 54  
 Towsey, W., 389  
 Toye, J., 470  
 Tracy, C. L., 287  
 Trader, W., 142  
 Trarah, J. F., 388  
 Traverser, M., 127  
 Transfield, T. E., 396  
 Tranter, W., 114  
 — J., 190  
 Travis, J., 194  
 Tree, C., 287  
 Treagus, C., 191  
 Treagus, R., 287  
 Treagus, C., 179  
 Trendall, T., 303  
 Treman, J. C., 10  
 Treman, J. T., 467  
 Treman, J. & Ker-  
 show, P., 75  
 Trevena, W., 378  
 Treves, S., 414  
 Trevor, J., 34  
 Trew, J., 147  
 Tricker, P., 454  
 Triggs, S., 26  
 Trill, A., 218  
 Tringham, J., 66  
 — J., 158  
 Trist, T., 240  
 Trott, F. J., 179  
 Trought, G., 900  
 Trout, G., 142  
 — J., 479  
 Trubey, W., 454  
 Trubody, S. H., 136  
 Trulock, T., 18  
 Truman, L., 38  
 — J., 2  
 Trumpler, C. H. E.,  
 & Periles, J., 327  
 Trundle, C. S., & Wil-  
 son, T., 23  
 Trusler, E., 205  
 Tubby, G. C., 442  
 Tuck, W., 335  
 Tucker, F. E., 270  
 — J., 479  
 — J. W., 119  
 — R., 38  
 Tuckfield, J., 306  
 Tuckwell, S., 130  
 Tuddenham, T. W.,  
 451  
 Tudor, E. C. B., 312  
 Tummev, D., 387  
 Tummons, J., 38  
 Tune, T., 266  
 Tunstall, G., 75  
 — T., 100  
 Tunstill, R., 199  
 Turberville, O., 154  
 Turley, B., 295  
 — R., 295  
 — W., 43  
 Turnbull, J., 191  
 Turner, A., 279  
 — Rev. C., 15  
 — E., 343  
 — E. J., 295  
 — F., 75  
 — H., 55  
 — J., 127  
 — J., 190  
 — J., 190  
 — J., 232  
 — J., 287  
 Turner, J., 346  
 — J., 387  
 — J., 454  
 — M., 279  
 — P., 442  
 — R., 34  
 — R., 55  
 — T. A., 67  
 — W., 46  
 — W., 90  
 — W., 379  
 — W. A., 382  
 Turpin, E., 441  
 Turrell, G. H., 34  
 — G. H., 42  
 Turton, J., 333  
 — J., 130  
 Turvey, T., 99  
 Tweddell, T., 451  
 Tweed, C., 67  
 Tweedie, W., 147  
 Twiss, J., 239  
 Tyas, T., 76  
 Tye, R., 319  
 Tyerman, T. F., 362  
 Tyler, G., 264  
 — G., 423  
 — H., 99  
 Tyrrell, G., 23  
 — U.  
 Ullmann, J., 290  
 Underhill, A., 58  
 Unsworth, E., 359  
 — J., 154  
 — J., 164  
 — J., 306  
 Upjohn, E., 463  
 Upton, E., 379  
 — J., 138  
 — W., 395  
 Upward, G. F., 274  
 Urquhart, W., 274  
 Urry, M., & Urry, T.  
 C., 70  
 — W., 42  
 Usherwood, S., 86  
 — V.  
 Vacher, E., 329  
 Vaile, W. S., 15  
 Vain, T., 180  
 Vamplew, S., 65  
 Van De Norden, H.  
 D., 119  
 Van der Velden, D.,  
 390  
 Van Hare, G., 287  
 Vann, R., 468  
 Van Raalte, J., & Van  
 Raalte, J., 219  
 Vanson, S., 127  
 Varnam, G., 190  
 Vardell, S. A., 76  
 Varty, J., 350  
 Vaughn, W., 8  
 — D., 279  
 — T., 157  
 Vautrev, J., 147  
 Veal, W., 367  
 Vellacott, W., 102  
 Venner, T., 147  
 Vernon, C., 290  
 — J., 126  
 — J., 154  
 — R., 119  
 — T. W., 162  
 Verrey, A., 451  
 Vevens, J., 114  
 Vevsey, R., 154  
 Vial, A. J. F., 370  
 Vialls, O., 387  
 Vickers, B., 298  
 — J. S., 142  
 — T., 468  
 Vickery, J., 142  
 — R., 180  
 Victors, I., 390  
 Viles, H. A., 163  
 Villers, J., & Biddle,  
 J., 2  
 Vince, J., 387  
 Vincent, G., 290  
 — W., 139  
 — W. F., 280  
 — W. N., 298  
 Viner, G., 190  
 — M. A., 228  
 Violet, T., 339  
 Vivian, J. R., 150  
 Vogt, A., 58  
 Voght, A., 114  
 Volsey, J., 66  
 Volans, G., 164  
 Von Guttenberg, O.,  
 194  
 Von Oldekop, T. L.,  
 329  
 — W.  
 Wackrill, U., 53  
 Wade, E. A., 298  
 — C., 2  
 — R., 305  
 — T., 156  
 Wadland, W. J., 35  
 Wadley, J., 354  
 Waghorn, G., 70  
 Wagstaff, J., 367  
 — T., 248  
 Walcott, C., 395  
 Wainwright, J., 35  
 — J., 222  
 Walte, J., 23  
 — J., 164  
 — M., 102  
 Walthman, A. G., 223  
 Wakefield, W., 312  
 Wakeham, B., 99  
 Wakein, W., 368  
 Walden, W. A., 179  
 Wales, G., 451  
 Walker, C., 319  
 — C., 86  
 — G., 180  
 — G., 290  
 — G. R. F., 247  
 — H., 43  
 — I., 354  
 — J., 138  
 — R. F., 67  
 — S., 406  
 — T., 162  
 — T., 191  
 — T. & Walker, E.,  
 459  
 — T. & Kjelsam, C.  
 S., 422  
 — W., 46  
 — W., 66  
 — W., 76  
 — W., 126  
 — W., 191  
 — W., 208  
 — W., 222  
 — W. H., 306  
 — W., & Eyro, J.,  
 179  
 — W. T., 250  
 Wall, E., 222  
 — F., 210  
 — J., 46  
 — J., 76  
 — J., 162  
 — J., 306  
 — J., 441  
 — J., 442  
 — J. H., 122  
 — L., 287  
 — M., 328  
 — R., 274  
 — T., 412  
 — W., 127  
 Watts, C., 162  
 — E. K., 395  
 — J., 99  
 — J., 194  
 — T., 90  
 Willis, L. W., 42  
 Wilmsey, W., 164  
 Walpo, R., 200  
 Walraven, L., 35  
 Walsh, R., 423  
 Walter, C., 479  
 — S., 258  
 Walters, A., 75  
 — D., 65  
 — G., 208  
 — J., 55  
 — J., 168  
 — W., 367  
 Walthew, F. R., 164  
 Walton, B., 127  
 — J., 327  
 — J. M., 322  
 — J. T., 199  
 — T., 454  
 — W. P., 110  
 Wannop, A. J., 67  
 Waster, G., 406  
 Ward, D., 87  
 — G., 219  
 — G., 234  
 — H., 191  
 — H., 122  
 — H., 313  
 — J., 119  
 — J., 122  
 — J., 147  
 — J., 154  
 — J., 154  
 — R. B., 164  
 — R. C., 414  
 — R. H., 280  
 — S., 88  
 — S., 138  
 — T., 58  
 — T., 314  
 — T., 467  
 — W., 271  
 Ward, W., & Aspin, J.,  
 290  
 — W., 441  
 — W. W., 142  
 Warden, E., 258  
 Wardle, T., 232  
 — T. H., 75  
 Warring, W., 330  
 Warhurst, H., 379  
 Waring, C. H., 335  
 — E. H. S., 532  
 — J. H., 46  
 — W. J., 122  
 Warman, T., 414  
 Warner, D., 86  
 — E. M., 163  
 — J., 119  
 — J., 179  
 — M., 102  
 — T. W., 174  
 Warren, A., 423  
 — J., 127  
 — J., 156  
 — W., 18  
 — W. H., 451  
 Warren, J., 367  
 Warriner, G., 451  
 Warsop, G., 266  
 Warwick, C., 320  
 — T., 18  
 Washington, J. W., 179  
 Waterfield, G., 351  
 Waterhouse, R. B., 142  
 — T. P., 10  
 Waters, W., 191  
 Waterworth, H., 111  
 — R., 359  
 Watford, W., 191  
 Watkin, H., 370  
 Watkins, A. W. S., 306  
 — G., 162  
 — G., 470  
 — G. T., 35  
 — J. E., 335  
 — W., 335  
 — W., 479  
 Watson, E. M., 90  
 — F. L., 282  
 — G., 111  
 — G., 279  
 — G. B. C., 271  
 — H., 199  
 — J., 54  
 — J., 46  
 — J., 76  
 — J., 162  
 — J., 306  
 — J., 441  
 — J., 442  
 — J. H., 122  
 — L., 287  
 — M., 328  
 — R., 274  
 — T., 412  
 — W., 127  
 Watts, C., 162  
 — E. K., 395  
 — J., 99  
 — J., 194  
 — T., 90  
 Waylog, W., 23  
 Wear, J., 55  
 Weatherley, F., 67  
 Weaver, S., 119  
 — E., 314  
 Webb, E., 272  
 — G., 274  
 — G. S., 76  
 — H. J., 406  
 — J., 96  
 — W., 240  
 — W., 393  
 — W., 441  
 — W. H., 280  
 Weber, S., 164  
 Webster, J. T. S., 76  
 — R., 15  
 Webster, A. D., 15  
 — J., 322  
 — J. M., 76  
 — L., 406  
 — W., 343  
 Weddell, W. H., 130  
 Weedon, T., 136  
 Weeks, W., 311  
 — W. H. B., 319  
 Weightman, J., 378  
 Weils, M., 258  
 Weiss, M., 222  
 Welch, B., 242  
 — H. W., 155  
 — J., 290  
 — J. G. W., 171  
 — J. J., 426  
 — J. M., 287  
 — R., 88  
 Welchman, J., 462  
 Welham, A. R., 130  
 Wellier, E. D., 88  
 — T., 258  
 Wells, G., 26  
 — G., 87

Wells, G., 442	White, H., 298	Wilkinson, G., 370	Williamson, H. W., 76	Wilt, S., 470	Wretton, J., 78
— G. M., 300	— J., 18	— J., 68	— J., 441	— Witting, T., 354	— Wright, A. C., 367
— J., 23	— J., 70	— J., 102	— J. A., 208	— Wivell, A., 22	— B., 280
— W., 230	— J., 114	— J., 320	— W., 10	— Weeks, T., 442	— C., 199
— W. F., 467	— J., 142	— K., 142	— W., 322	— Wolfe, T., 451	— C., 306
— W. H., 202	— J., 163	— T., 99	— Willing, G., 111	— Wolstenholme, J., 354	— C. F., 7
— W. H., 234	— J., & Beaumont,	— T., 351	— Willington, T. A. G.,	— Wood, A., 306	— E. A., 378
Welsh, M., 370	— J., 163	— T., 379	— 423	— A. E., 271	— G., 23
— W. A., 90	— J., 166	— W., 65	— Willis, J., 126	— C., 42	— G., 42
Wenden, W., 76	— J., 194	— W., 111	— R. R., 46	— C. T., 208	— G., 280
Wenham, H., 119	— J., 202	— W., 190	— W., 126	— E., 403	— J., 54
Wenman, W. T., 218	— J., 231	— W., 312	— W., 451	— G., 479	— J., 99
Wenna, W., 179	— J., 351	— W., 362	— Wilson, W. H., 378	— H., 320	— J., 138
Wensley, W., 76	— J., 351	Wilks, D., 319	— Willmott, W. B., 335	— J., 10	— J., 180
— W., 150	— J., 479	Willcock, W. U., 322	— Wills, J. F., 238	— J., 22	— J., 248
Wentbottom, B.,	— J. A., 413	Willcox, J. P., & Cart-	— H. C., 240	— J., 86	— J., 256
303	— J. P., 139	wright, J., 406	— Willsheer, G., 467	— J., 86	— J., 256
Wentworth, T. J., &	— S., 100	Williden, J., 406	— Willsmer, C., 290	— J., 200	— J., 403
Morall, J., 343	— S., 390	Willding, J. H., 298	— Willson, W. H., 373	— J., 413	— R., 48
Wesson, D., 210	— T., 99	Willet, J., 441	— Wilsheer, R. H., 7	— J., 422	— S. E., 302
West, A. A., 119	— T., 174	Williams, B. R., 462	— Wilson, A. B., 378	— J., 468	— T., 166
— G., 314	— T., 343	— C., 190	— C., 43	— N. G., 119	— T., 388
— H., 232	— W., 454	— C., 414	— D., 26	— R., 110	— T. F., 219
— J., 126	— W. T., 126	— C., 414	— E., 208	— T. W., 290	— W., 102
— J. M., 411	Whitehand, J., 290	— D., 162	— E., 470	— W., 280	— W., 114
— J. S., & Hughes,	Whitehead, H., 343	— D., 174	— G., 293	— W., 330	— W., 258
H., 282	— J., 35	— D., 322	— G., 387	— W., 390	— W. H., 271
— J. T., 304	— J., 126	— D., 423	— H., 78	— W. E., & Green-	Wrigley, T., & Booth,
— W., 174	— T., 96	— H. G., 26	— H. C., 156	— wood, J. Y., 479	J., 319
— W., 208	— T., 23	— E., 23	— J., 35	— W. J., 368	Wyatt, C., 306
Westaway, J., 300	— W., 339	— E., 23	— J., 202	— W. M., 258	— H., 154
Westbrook, R. A., 274	Whitehouse, D., 76	— E., 91	— J., 279	— W., 370	— R., 127
Westcott, H., 147	— J., 248	— E., 119	— J., 351	— Woodall, J., 451	Wyer, G., 54
— J., 250	— W., 258	— E., 147	— J., & Slater, W.,	— Woodbine, W. C., 258	Wyers, J., 468
— J., 312	Whiteley, J., 479	— E., 467	298	— Woodbridge, W., 263	Wyke, J., 218
— O. G., 119	Whitefield, J., & Belt,	— E. T., 350	— J. S., 34	— Woodcock, J., 54	Wynn, F. G., 26
Westgate, J. B., 147	— R. S., 397	— E. T., 361	— J. W., 351	— J., 138	Wynne, G., 379
Westlake, J., 35	— J. W., 320	— F. G., 335	— R., 86	— Wooderson, H., 319	
— J. M., 271	— J. W., 378	— G., 66	— R., 102	— Woodford, F. W., 328	X.
Westley, M. M., 231	Whiting, G., 54	— G., 231	— R., 163	— J., 182	Xenos, A., 255
Weston, J., 454	Whitlock, E., 403	— G., 320	— R., 441	— T., 54	Y.
— R., 191	Whitney, J. W., 15	— H., 86	— R., 451	— Woodgates, J., 312	Yardley, D., 166
— T., 426	Whittem, J. H., 298	— H. R., 470	— S., 202	— Woodhams, W., 139	— J., 335
Westropp, G. W., 467	Whittaker, J., 453	— H. T., 158	— T., 38	— Woodhead, W., 22	Yarrow, F. S., 354
— G. W., 470	— J. S., 65	— J., 10	— T., 202	— Woodhouse, B., 10	— W., 354
Westwood, W., 422	— J., 23	— J., 56	— T., 239	— E., 387, 403	Yates, H., 319
— W., 423	— L., 164	— J., 75	— T. N., 222	— W. H., 54	— J., 279
Whale, J., 390	— T., 463	— J., 86	— W., 23	— Wooding, J., 343	— J., 15
Whally, W., 247	Whittington, J., 343	— J., 102	— W., 23	— Woodley, M., 239	Yeadall, J., 343
Wharham, C. H., 18	Whitworth, J., 442	— J., 119	— W., 479	— Woodman, T. P., 110	— J., 403
Wharham, D., 15	— J., 218	— J., 218	— W., & Foster, S.,	— Woodroof, S., 295	Young, D., 256
Wharrie, T., 422	Wickett, W. H., 171	— J., 258	298	— Woods, E. J., 343	— F., 298
Wheeler, C., 362	Wigdahl, F., 2	— J., 280	— W., 351	— G. J., 362	— G., 102
— G. H., 202	Wiggins, F. C., 15	— J., 304	— Wilton, J., 67	— J., 368	— G., 256
— H., 422	— T., 206	— J., 306	Wiltshire, W., 179	— R. L., 232	— H., 442
— J., 147	Wigginton, J., 155	— J., 338	— Winchester, J., 15	— T., 166	— J., 15
Wheelhouse, S., 54	Wigglesworth, E., 43	— J., 406	— Windross, J., 390	— W., 87	— J., 55
Wheelwright, B., 383	Wiggs, C., 239	— J., 441	— Windsor, A., 406	— Woodard, W., 378	— J., 247
Wheelman, S. H., 179	Wiglesworth, T., 172	— J., 452	— Winfield, J., 90	— Woolley, E., 354	— J., 460
Whellams, C., & Bond,	Wight, J. R., 219	— J. H., 247	— Wing, C., 362	— J., 290	— J. D., 382
H., 210	Wigley, L., 359	— J. M. K., 343	— Wingfield, J., 147	— J., 442	— J. H., 338
Whetton, R., 8	— T., 441	— R., 114	— J. C., 280	— J. R., 451	— R., 152
Whiley, J., 160	Wignall, D., 154	— R., 147	Wingrove, J., 263	— N., 67	— R., 155
Whitaker, E., 18	Wilecombe, C., 298	— R., 218	— J., 319	— W., 359	— S., 271
— J., Sutcliffe, A., &	Wildbore, C., 65	— R., 319	— W., 442	— Woodbridge, F. W., 907	— T., 298
Sutcliffe, W., 154	— M., 65	— R., 330	Winks, W., 162	— W., 351	— T. B., 422
— J., 85	Wilde, E., 359	— R., 338	— Winn, H., 136	— Woolf, E., 351	— Young, W., 127
— J., 160	— W., 86	— R., 467	— W., 378	— Woolard, W., 378	— Youngman, T., 282
— J., 460	Wilden, A., 330	— S., 191	Winscom, R., 479	— Woolley, E., 354	Z.
— J. R., 156	Wildermuth, G., 370	— T., 66	Winscomb, A. L., 202	— J., 290	Zanni, G., 462
— M., 300	Wildes, H. A., 295	— T., 87	Winspear, C., 306	— Woolstencroft, J., 100	Zealy, T., 99
— P., 479	Wilding, J., 219	— T., 89	Winstanley, J., 75	— J., 156	— Zeno, S., 179
— W., 234	Wildish, W., 460	— T., 218	— Winter, F. S., 46	— Woosnam, R., 100	— Zimmerman, J. J. H.,
— W., 361	Wildsmith, J., 173	— T., 272	— T., 86	— Wooster, G., 414	99
Whitby, J., 393	Wiles, H. M., 86	— T., 319	Winterborne, R. G., &	— Wootton, C., 10	Zurhorst, C. F., 90
Whitcomb, T., 54	Wilford, T. T., 99	— T., 452	— Rowles, L., 102	— Worby, W., 208	
Whitcombe, H. P., 2 2	Wilkes, S., 70	— T., 462	Winterbottom, B., 423	— Wordsworth, C. F., 406	
White, A., 138	— S., 396	— W., 2	— G., 452	— Worlidge, J., 114	
— A. J. B., 343	Wilkin, G., 207	— W., 8	— H., 98	— Worrall, E., 202	
— B., 323	Wilkins, D. S., 35	— W., 111	— J., 290	— R., 190	
— C., 282	— E., 139	— W., 126	— R., 199	Worsley, J., 239	
— C., 322	— J., 280	— W., 154	— W., 390	— Worth, F. B., 312	
— C. F., 335	— J., 339	— W., 382	Witham, W., & With-	— Worthington, S., 219	
— C. F., 351	— W., 320	— W. H., 200	am, H., 210	— Worton, B., 34	
— D., 412	Wilkinson, A., 479	— W. J., 280	Withers, J., 96	— Worts, W. J., 403	
— F., 318	— C., 190	— W. O., 247	Witherspoon, J., 158	— Wragg, D., 164	
— G., 240	— F., 83	— W. P., 350	Withers, G., 451	— J., 240	
— G., 441	— G., 179	— W. V., 250	— J. S., 263	— Wrampe, E. J. A., 87	
— G. W., 306	— G., 282	Williamson, G., 23	Withington, J., 451	— Wrangham, A. J., 78	
				— Wray, T., 119	



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A

## GAZETTES.—FRIDAY, Jan. 3.

## BANKRUPTS.

*To be heard in London.*

- BACON, JAMES, Buckingham, Buckinghamshire, wine merchant, Jan. 13. Off. Ass. Graham; Sol. Michael, 7, Old Jewry.—Pet. f. Dec. 24.
- DAWSON, WILLIAM, Noble-street, Manchester warehouseman, Jan. 12. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 30.
- ELLISON, MARIA LEUKKA, Birchmore-place, Cardington-street, Hampstead-road, vocalist, Jan. 12. Off. Ass. Stansfeld; Sol. Drake, 13, Gresham-street.—Pet. f. Dec. 30.
- GREGORY, FREDERICK, Waterloo-street, St. Luke's, metal merchant, Jan. 13. Off. Ass. Graham; Sols. Preston & Co., 13, Gresham-street.—Pet. f. Dec. 29.
- HILEY, JAMES, Providence-buildings, New Kent-road, Surrey, and Argyle-square, wine merchant, Jan. 20. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 29.
- HOUGH, SAMUEL BAYLIS, Hatton-wall, Clerkenwell, carpenter, Jan. 20. Off. Ass. Cannan; Sol. Hill, 43, Basinghall-street.—Pet. f. Dec. 30.
- HUTCHINSON, THOMAS HANBURY, Offham, Kent, farmer, Jan. 13. Off. Ass. Stansfeld; Sol. Pevelevy, 19, Coleman-street.—Pet. f. Dec. 31.
- INNES, JAMES, Dartford, Kent, linendraper, Jan. 13. Off. Ass. Graham; Sol. Cooper, 9, Charing-cross.—Pet. f. Dec. 31.
- KELLY, FREDERICK, Stirling-terrace, Belvedere-road, Lambeth, carpenter, Jan. 13. Off. Ass. Stansfeld; Sol. Hare, 8, Old Jewry.—Pet. f. Dec. 31.
- KNIGHTS, HENRY RUDD, Camberwell-place, Upper Grange-road, Bermondsey, out of business, Jan. 13. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 30.
- LOCK, JOSEPH, Doddington-lodge, Battersea, cattle dealer, Jan. 12. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 29.
- PAIM, GEORGE, Cedar-road, Fulham, out of employ, Jan. 13. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 29.
- PEARSON, GEORGE, Bugbrooke Wharf, Northamptonshire, publican, Jan. 20. Off. Ass. Cannan; Sol. Metcalfe, Furnival's-inn, Holborn.—Pet. f. Dec. 29.
- RENTON, AMHERST HAWKER, Ealing, civil engineer, Jan. 13. Off. Ass. Edwards; Sol. Hussey, 20, Great Knight-terrace.—Pet. f. Dec. 27.
- ROLFE, JOHN HAMBROOK, Leinster-terrace, Baywater, builder, Jan. 13. Off. Ass. Graham; Sol. Abrahams, 17, Gresham-street.—Pet. f. Dec. 23.
- SHEPFIELD, JOSEPH JAMES, Upper Bedford-place, Russell-square, commercial traveller, Jan. 13. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 26.
- SHERINGTON, GEORGE, Nursing, Southampton, farmer, Jan. 13. Off. Ass. Graham; Sols. Blake & Co., 22, College-hill, Cannon-street.—Pet. f. Dec. 29.
- SMITH, JOSEPH, Roman-road, Holloway, carpenter, Jan. 13. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 30.
- WADE, CHARLES, Clarence-place, Camberwell, linendraper, Jan. 20. Off. Ass. Cannan; Sols. Van Sandau & Co., 13, King-street, Chesham.—Pet. f. Dec. 30.

*To be heard in the Country.*

- ANDREW ROBERT, Snitterby, Lincolnshire, labourer, Jan. 21, Kingston-upon-Hull. Off. Ass. Carrick.—Adj. Dec. 16.
- BAGGULEY, JOHN, Bulwell, Nottinghamshire, miller, Jan. 14, Nottingham. Off. Ass. Harris; Sol. Parsons, Nottingham.—Pet. f. Dec. 22.
- BAKER, WILLIAM, Ledbury, Herefordshire, saddler, Jan. 26, Ledbury. Off. Ass. Moore; Sol. Piper, Ledbury.—Pet. f. Dec. 22.
- BARROW, JOHN BAKER, Kendal, Westmoreland, innkeeper, Jan. 15, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Harle & Co., Newcastle-upon-Tyne, and 20, Southampton-buildings, Chancery-lane.—Pet. f. Dec. 30.
- BRADSHAW, JAMES, Wigan, Lancashire, watch manufacturer, Jan. 21, Manchester. Off. Ass. Stansall; Sol. France, Wigan.—Pet. f. Dec. 31.
- BROWN, JOSEPH NORBURY, Salford, Lancashire, salesman, Jan. 17, Salford. Off. Ass. Copley; Sol. Gardner, Manchester.—Pet. f. Dec. 30.
- BRYAN, GEORGE, Liverpool, bookkeeper, Jan. 16, Liverpool. Off. Ass. Hime; Sol. Grocott, Liverpool.—Pet. f. Dec. 30.
- BURRIDGE, JOHN, Brighton, cap maker, Jan. 14, Brighton. Off. Ass. Everashed; Sol. Goodman, Brighton.—Pet. f. Dec. 30.
- CHADWICK, EDWARD, Salford, Lancashire, fire-wood maker, Jan. 29, Manchester. Off. Ass. Herniman; Sol. Gardner, Manchester.—Pet. f. Dec. 29.
- COX, JOHN SAMUEL, Birmingham, milliner, Feb. 2, Birmingham. Off. Ass. Guest; Sol. Taylor, Birmingham.—Pet. f. Dec. 29.
- DURRELL, JOSEPH, Ipswich, Suffolk, sailmaker, Jan. 14, Ipswich. Off. Ass. Pretymann; Sol. Champ, Ipswich.—Pet. f. Dec. 30.
- FLAY, EPHRAIM, Wrexham, Denbighshire, wagon inspector, Jan. 13, Wrexham. Off. Ass. Edgworth; Sol. Bymer, Wrexham.—Pet. f. Dec. 30.
- FOORD, RICHARD JAMES, Southsea, Hampshire, bootmaker, Jan. 13, Portsmouth. Off. Ass. Howard; Sol. Cousins, Portsmouth.—Pet. f. Dec. 27.
- GREEN, WILLIAM, Keighley, Yorkshire, stonemason, Jan. 22, Keighley. Off. Ass. Waterworth; Sol. Paget, Keighley.—Pet. f. Dec. 31.
- GRIFFITHS, JOHN, Wotherton, Shropshire, in no business, Jan. 15, Welshpool. Off. Ass. Harrison; Sol. Davies, Shrewsbury.—Pet. f. Dec. 29.
- HARRIS, THOMAS, Middleton-on-the-Hill, Herefordshire, labourer, Jan. 14, Leominster. Off. Ass. Robinson.—Adj. Dec. 12.
- HARRISON, BENJAMIN, Sedgley, Staffordshire, publican, Jan. 15, Dudley. Off. Ass. Walker; Sol. Maltby, Dudley.—Pet. f. Dec. 30.

- HEAD, GEORGE, Merthyr Tydfil, Glamorganshire, victualler, Jan. 16, Bristol. Off. Ass. Miller; Sols. Simons & Co., Merthyr Tydfil.—Pet. f. Dec. 18.
- HERBERT, JOHN, Bristol, farmer, Jan. 16, Bristol. Off. Ass. Acraman; Sol. Clifton, Bristol.—Pet. f. Dec. 26.
- HILL, JOSEPH, Worcester, attorney's clerk, Jan. 19, Worcester. Off. Ass. Hill; Sol. Corbet, Worcester.—Pet. f. Dec. 17.
- JACKSON, WILLIAM, Southport, Lancashire, builder, Jan. 19, Southport. Off. Ass. Welsh; Sol. Dawson, Manchester.—Pet. f. Dec. 29.
- JAMES, GEORGE, Dudley, Worcestershire, provision dealer, Jan. 15, Dudley. Off. Ass. Walker; Sol. Maltby, Dudley.—Pet. f. Dec. 30.
- KING, WILLIAM, Manchester, dealer in fancy woollen cloths, Jan. 29, Manchester. Off. Ass. Fraser; Sols. Laycock & Co., Huddersfield; Norris & Co., Manchester.—Pet. f. Dec. 20.
- KITSELL, WILLIAM, Presteign, Radnorshire, baker, Jan. 16, Bristol. Off. Ass. Acraman; Sols. Stephens, Presteign; Bevan, Bristol.—Pet. f. Dec. 29.
- LAMBERT, GEORGE, Sheffield, auger maker, Jan. 21, Sheffield. Off. Ass. Wake; Sol. Mason, Sheffield.—Pet. f. Dec. 30.
- MASON, JOHN, Wolverhampton, Staffordshire, grocer, Jan. 12, Wolverhampton. Off. Ass. Brown; Sol. Umbers, Wolverhampton.
- MOORE, JAMES, Stalybridge, Cheshire, bookkeeper, Jan. 26, Manchester. Off. Ass. Fraser; Sols. Taylor, Stalybridge; Foster & Co., Manchester.—Pet. f. Dec. 29.
- MUIR, JAMES, Llansana, Flintshire, farmer, Jan. 16, Liverpool. Off. Ass. Morgan; Sol. Tyrer, Liverpool.—Pet. f. Dec. 3.
- NORTH, SILAS RICHARD, Bilston, Staffordshire, confectioner, Jan. 12, Wolverhampton. Off. Ass. Brown; Sol. Underhill, Wolverhampton.
- NORTHOVER, RICHARD, Wimborne Minster, Dorsetshire, farmer, Jan. 9, Wimborne Minster. Off. Ass. Rawlins; Sol. Tanner, Wimborne Minster.—Pet. f. Dec. 25.
- PALMER, GEORGE S., Powerstock, Dorsetshire, Jan. 19, Bridport. Off. Ass. Temple; Sol. Manley, Bridport.—Pet. f. Dec. 24.
- PARRY, WILLIAM, Chirbury, Shropshire, farmer, Jan. 19, Birmingham. Off. Ass. Kinnear; Sols. Jones, Welshpool; Hodgson & Co., Birmingham.—Pet. f. Dec. 31.
- ROUDDING, WILLIAM, Bampton, Yorkshire, miller, Jan. 21, Kingston-upon-Hull. Off. Ass. Carrick; Sols. England & Co., Hull.—Pet. f. Dec. 19.
- SLATER, WILLIAM, Manchester, mechanic, Jan. 17, Salford. Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Dec. 31.
- SMALLWOOD, WILLIAM, Birmingham, out of business, Feb. 2, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Dec. 26.
- SMITH, JOHN, Haydock, Lancashire, carpenter, Jan. 16, Liverpool. Off. Ass. Morgan; Sol. Be-L, Manchester.—Pet. f. Dec. 31.
- SMITH, WILLIAM YATTS, Bilston, Staffordshire, japanner, Jan. 12, Wolverhampton. Off. Ass. Brown; Sol. Langman, Wolverhampton.
- SMYTH, SAMUEL RANDALL, Eastbourne, Sussex, tutor, Jan. 7, Lewes. Off. Ass. Blaker; Sol. Goodman, Brighton.—Pet. f. Dec. 29.
- SPIKER, EDMUND, Margate, Kent, fly master, Jan. 27, Margate. Off. Ass. Isaacson; Sol. Moss, 38, Gracechurch-street.—Pet. f. Dec. 27.
- STREAKER, RICHARD, Everton, Lancashire, licensed victualler, Jan. 19, Liverpool. Off. Ass. Turner; Sol. Workshop, Liverpool.—Pet. f. Dec. 31.
- TABB, JOHN, Plymouth, Devonshire, blacksmith, Jan. 17, East Stonehouse. Off. Ass. Pearce; Sol. Fowler, Plymouth.—Pet. f. Dec. 31.
- THOMAS, THOMAS, Merthyr Tydfil, Glamorganshire, founder, Jan. 14, Merthyr Tydfil. Off. Ass. Russell; Sol. Plews, Merthyr Tydfil.—Pet. f. Dec. 29.
- THORNE, WILLIAM, Caddington, Hertfordshire, butcher, Jan. 13, Luton. Off. Ass. Williamson.—Adj. Dec. 18.
- TOWNSEND, STEPHEN, Kingston-upon-Hull, ginger-beer manufacturer, Jan. 21, Kingston-upon-Hull. Off. Ass. Carrick.—Adj. Dec. 17.
- TRUMAN, JAMES, Snelton, Nottinghamshire, lacemaker, Jan. 28, Nottingham. Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Dec. 30.
- VILLERS, JOHN, and BIDDLE, JOSEPH, Coventry, elastic web manufacturers, Jan. 23, Birmingham. Off. Ass. Kinnear; Sols. Davis, Coventry; Harrison & Co., Birmingham.—Pet. f. Dec. 16.
- WIGDAHL, EDWARD, Sunderland, Durham, ship broker, Jan. 14, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Brignal, Durham.—Pet. f. Dec. 26.
- WILLIAMS, WILLIAM, Woolhope, Herefordshire, groom, Jan. 26, Ledbury. Off. Ass. Moore; Sol. Garrod, Hereford.—Adj. Dec. 12.

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## TUESDAY, Jan. 6.

## BANKRUPTS.

*To be heard in London.*

- BOARD, CHARLES THOMAS, and IRVING, JOHN, Worship-street, feather merchants, Jan. 17. Off. Ass. Graham; Sols. Harrison & Co., Old Jewry.—Pet. f. Dec. 26.
- BROWN, WILLIAM, New Pye-street, Westminster, general dealer, Jan. 20. Off. Ass. Edwards; Sol. Lewis, 22, Great Marlborough-street.—Pet. f. Dec. 30.
- CARMONT, WILLIAM HASSALWOOD, Orwell-road, Bromley, near Bow, manager to a steel forger, Jan. 20. Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. Dec. 31.

[For continuation of Gazette, see p. 7.]

## CONTENTS.

London Gazettes .....	2
Leading Article .....	3
Court Papers.—Common-law Cause Lists, Hilary Term .....	5

## NAMES OF THE CASES REPORTED.

## HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

The Attorney-General v. Moyer.—(Succession duty—16 & 17 Vict. c. 51—Who predecessor—Power of appointment—Exercise of joint power—Portions) .....	1
--	---

## PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

Joykissen Moorkerjee v. Reg.—(Indian appeal—Criminal jurisdiction—Judgment—Conviction—Sentence—Irregularity at the trial—Prerogative of the Crown—Discretion of the Judicial Committee) .....	4
---	---

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Ex parte William Still and George Strickland Still.—(Bankruptcy—24 & 25 Vict. c. 134, s. 221, prosecution under) .....	7
Ex parte Page, in re Neal.—(Bankruptcy—24 & 25 Vict. c. 134—General Order 32) .....	8

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Edge v. Bamford.—(Bill of Exchange—Delicery by drauer—Refusal to indorse—Bill against acceptor) .....	8
Book v. The Attorney-General.—(Will—Construction—Gift to a class—Next of kin) .....	9
Spencer v. Scurr.—(Mines—Opening new mines—Working new seams) .....	9
Vernon v. Earl Manvers.—(Settlement—Power of sale and exchange—Reinvestment of purchase monies—Inclosure Acts, 8 & 9 Vict. c. 133—11 & 12 Vict. c. 90) .....	9

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARRETT, Barrister at Law.

Brandon v. Brandon.—(Public company—Costs of more than one reinvestment—Service) .....	11
--	----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Longford v. Gowland.—(Bequest to charitable institutions which had ceased to exist—Title of next of kin) .....	12
Brumfit v. Hart.—(Practice—Notice by plaintiff to read answer—Cross-examination of defendant thereon allowed) .....	12
Sir E. H. K. Lacon, Bart., and Another v. Liffen and Others.—(Merchant Shipping Acts, 1854 and 1862—Deposit of mortgages of ships—Lien—Bill of sale for old debt and future advances—Bankruptcy—Order and disposition) .....	13

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

In re The Phoenix Life Insurance Company—Burgess and Stork's case.—(Joint-stock company—Alteration of business—Acquiescence—Creditors' representation) .....	15
Rucker v. Scholefield.—(Power—Excessive execution) .....	17

## COURT OF QUEEN'S BENCH.

By C. W. LOVEST, Barrister at Law.

Hall v. The City of London Brewery Company (Limited).—(Landlord and tenant—Implied contract for quiet enjoyment) .....	18
Hardcastle, App., Jones, Resp.—(Print works, employment of children therein—8 & 9 Vict. c. 29, s. 20) .....	19

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Taylor, App., Hickee, Resp.—(Factory Acts, 3 & 4 Will. 4, c. 103, and 7 & 8 Vict. c. 15—Interpretation of words "child," "employed," "factory," "room") .....	21
Offord v. Davies and Another.—(Guarantee—Mandatum—Contract—Countermand) .....	22

## EXCHEQUER CHAMBER.

By J. GRANT, Barrister at Law.

The Proprietors of the Birmingham Canal Navigation v. The Earl of Dudley.—(Mining—Working minerals under a canal—Interpretation of statute prohibiting in one section working within twenty yards of a tunnel, in another working within twelve yards of the canal—Liability of company to pay price of minerals left by the owner—Notice by owner) .....	24
---	----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Braithwaite v. Marriott and Another.—(Sheriff's charges—Fi. fa.—Advertisements—1 Vict. c. 55—Bankruptcy Act, 1861) .....	26
--	----

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. E. BROWNING, Barrister at Law.

Thompson v. Thompson and Barras.—(Marriage settlements—20 & 21 Vict. c. 85, s. 45—22 & 23 Vict. c. 61, s. 5) .....	26
--	----

## COURT OF ADMIRALTY.

By W. E. BROWNING, Barrister at Law.

The Diana.—(Collision abroad—Jurisdiction) .....	26
The Salacia.—(Seamen's wages—Master's wages—Bottomry bond—Priorities—17 & 18 Vict. c. 104, s. 191) .....	27

## CROWN CASES RESERVED.

By G. FRANCIS, Barrister at Law.

Reg. v. Elizabeth Burgess.—(Attempt to commit suicide—Jurisdiction of quarter sessions—24 & 25 Vict. c. 100, ss. 11-15) .....	28
---	----

## THE JURIST.

LONDON, JANUARY 10, 1863.

AT the commencement of a new year, men are generally tempted to take a retrospect of the year that is past, and to draw from its occurrences lessons which may teach them how to follow out those plans which experience shews them have a good tendency, how to avoid that which is bad, and to amend or reform that which, although not absolutely bad, is capable more or less of improvement.

In our own peculiar province—the domain of law—we may not altogether without profit at this period, consider what has been the working of our legislation, especially that of recent sessions; what weak

points in our laws the decisions of our courts of justice have lately disclosed, and what improvements therein may be suggested; nor is it altogether out of place, when Parliament is soon to recommence its annual task of legislation, to indulge in speculations as to what measures either those in power, or independent members, are likely to bring forward for its discussion and approbation.

The *Yelverton case*, where the validity of the marriage of the unfortunate couple who have figured so prominently before the public, shews that the state of the law relating to marriage both in Ireland and Scotland, is in a state which calls for immediate reform.

The law of Scotland, however, is in by far the more disreputable state.

It must often puzzle a Scot, or a person who has



been domiciled in Scotland, to know whether he is married or not; and any lady belonging to a more civilised country, who marries a native of, or a person who has been domiciled for a short time in, that part of Great Britain north of the Tweed, runs no inconsiderable hazard of discovering, when too late, that her supposed husband has already contracted, perhaps unknowingly, and without intending to do so, a Scotch marriage.

A Scotch marriage may be performed in three different modes. First, the *regular* mode, by banns and a clerical celebration. The celebration, "if such it can be called, takes place in a private house, never in a church; it may be in the open air, and sometimes is; and it may take place in any hour of the four and twenty best suiting the convenience, the wishes, or caprice of the parties." Next comes the *clandestine* marriage, where there have been no banns, but the parties have been married by a clerical celebration, covertly and irregularly conducted. Lastly, there are what are termed *consensual* marriages. These also are of two kinds: the first are contracted *per verba de presenti*; and the second by a promise *de futuro*, with a copula. The case of *Dalrymple v. Dalrymple* (2 Hagg. Consis. 54) is an instance of the first kind of consensual marriage, which any one might have thought would have induced the Legislature at once to put an end to such a barbarous state of the law. In that case, John Dalrymple, afterwards Earl of Stair, became acquainted with a Miss Gordon, and they both signed a paper, by which they mutually agreed to be husband and wife. There was no witness to the contract; both parties agreed not to divulge it, and it was not followed by cohabitation. Four years afterwards John Dalrymple married in England, according to the rites and ceremonies of the Church of England, a lady nearly related to a noble family of the highest rank. It was held that the concealed scrap of paper constituted a valid Scotch marriage, and the English marriage was consequently bad<sup>o</sup>.

There may also be a valid Scotch marriage by "habit and repute;" according to which, if a man introduces a woman to the world as his wife, he will not be allowed to discard her, and treat her as a mistress.

What, we think, most open to complaint is, the hardship that may be inflicted, as in the *Dalrymple* case, upon innocent strangers, and not merely upon the inhabitants of Scotland, who, as they appear, to have a strange predilection for their loose laws of marriage, have perhaps no wish to avoid some of their natural consequences. Other and more civilised countries south of Scotland, to which Scotchmen almost instinctively repair, have, however, a just ground of complaint, and may well call for some alteration in the marriage laws of Scotland.

Lord Brougham, by his act, in 1856 (19 & 20 Vict. c. 96), has done much to prevent the disgraceful and disastrous Gretna Green marriages, and is to be hoped that Parliament will again interpose, and that such a reform of the law of Scotland will be effected, that every person domiciled in that country will be able to know, with some degree of certainty, whether he or she is married or not.

The savage attacks which have recently been made, more particularly in the metropolis, upon individuals in the public streets, and for which the name of *garrotting* has been invented, has called the attention of the public to the mode in which our criminals are treated. No doubt, at one period our criminal laws were too severe; of late years, on the contrary, not only has a reaction set in strongly against severity, but a species of maudlin philanthropy has rendered the position of the convicted criminal so comfortable, that when, by a system of successful hypocrisy, he has been let loose upon society long before the term judicially allotted for his confinement (for we can scarcely call it punishment) is past, he recommences his old career, not with any dread of the consequences, but with the certainty, on a subsequent conviction, of comfortable quarters and good treatment. The refusal, moreover, of some of our colonies to take convicts has embarrassed us with criminals, who, in this country, where even men with good character have no little difficulty in making a livelihood, almost certainly, however good may be their intentions, from the force of old associations, and the difficulty, if not the impossibility, of obtaining employment without a character, return to their old course of theft, violence, and other crimes.

The Royal Commission lately issued will, doubtless, we may predict, from the names upon it, do much to throw light upon this most difficult social question; and the next session of Parliament will, we presume, embody in its legislation the result of the recommendations of the commission.

With regard to the Courts of Bankruptcy, there is evidently something wrong about them; perhaps the acts of Parliament by which this branch of the law is regulated are not quite what they ought to be; faults of omission and commission are said to be found broadcast through their numerous sections, which at some future time the pen of the skilful draftsman, thoroughly conversant with the principles and practice of the law of bankruptcy, may correct; and no person without such qualifications ought to be allowed to tamper with our statutes. Complaints, however, are made, and they do not appear to be altogether unfounded, as to the mode in which the bankruptcy law is administered, and the qualifications of the persons to whom its administration is intrusted.

Commissioners, who from age or ill health are physically incapable any longer properly to fulfil their duties, ought to retire, and, if competent successors be put into their places, many of the complaints which are now so commonly heard would in a great measure cease.

Among other subjects to be brought before Parliament, interesting to the legal Profession, will, doubtless, be the long-agitated question of the revision and consolidation of the statute law, the digest of our case law, the further fusion of law and equity, and perhaps, connected with the latter subject, the plan of bringing the Courts of Justice together under the same roof. The last group of subjects, we presume, the Lord Chancellor will take under his protection.

Independent members will probably have something to say with reference to the working of the Land Transfer Act, and we may, soon after the meeting of Parliament, know whether that measure has been or is likely to be successful, or whether the office filled by so able a lawyer as Mr. Follett is likely to be a mere comfortable sinecure.

Something will also be said as to the constitution of the Inn of Court. Our Universities have been recently reformed, and a fair share in their government has been given to the members of the University. In the Inns of Court, the Benchers, who are or ought to

<sup>o</sup> Macqueen on Divorce and Matrimonial Jurisdiction.

be only trustees for the rest of the Bar, have gradually assumed to themselves, not only the sole power of election, but the sole power of management. This is not as it should be, and the Bar of England ought not to submit to the sole control of a body of men, who are virtually the nominees of the Crown.

The doctrine of maritime law, especially with reference to the right of capture and blockade, will probably be much discussed in Parliament, but we are much mistaken if Parliament, reflecting the opinion of the great majority in this country, should hastily take any step by which the law laid down by Lord Stowell and other great Admiralty judges may be materially altered or even modified.

It will be seen, from this slight sketch, that in the ensuing session much that is interesting to lawyers and important to the country may be brought forward for discussion and legislation in Parliament; our wishes are, that by whatever political party they may be introduced or carried, good measures will not be marred by appointments, resulting from what in some countries is called nepotism, but for which in this country we may be compelled to invent a more comprehensive name.

### Court Papers.

#### COMMON-LAW CAUSE LISTS, HILARY TERM, 1863.

##### Court of Queen's Bench.

###### NEW TRIALS.

###### FOR JUDGMENT.

London.—Burgess v. Wickham  
Durham.—Pease v. Chaytor  
Westmoreland.—Marshall v.  
Ulleswater Steam Navigation Co. (Limited)

###### FOR ARGUMENT.

*Moved Easter Term, 1859.*  
Midd.—Betts v. Menzies (Enlarged till after decision in Court of Error)

*Moved Hil. Term, 1862.*  
Midd.—Bingham v. Corbett  
Reg. v. Pearce  
Lyon & Wife v. Knowles  
Attack v. Bramwell  
London.—Willis v. Davison  
Shadforth v. Corey  
Smith v. Edmondson  
Taylor v. Caldwell  
Dailey v. De Fries  
Buckley v. Gross  
Liverpool.—Hebbon v. West (D. to come on with this rule)

*Moved Easter Term, 1862.*  
Midd.—Pharoah v. Lush  
Dawson v. Van Sandau  
Solomon v. Barber  
Allen v. Clark  
Same v. Same  
Steggles v. New River Co.  
Denton v. Crawley  
Lindsey v. Leathley  
London.—M'Crea v. Holdsworth  
Hemsworth v. Smyth  
Hyde v. Palmer  
Great Western Railway Co. v. Toomer & an.  
Oastler & an. v. Pound  
Sarrey.—Reg. v. Inhabitants of Horley

Devon.—Harvey v. Mortimore and Kelland (D. to come on with this rule)  
—Same v. Mortimore and Jeffery  
—Same v. Mortimore and Kelland  
—Same v. Mortimore and Jeffery  
Liverpool.—Jardine v. Leathley  
Glamorg.—Richards v. Morgan  
—Morgan v. Morgan  
*Tried during Term.*  
Midd.—Wand v. Lampert  
London.—Balls v. Bournier  
—Same v. Same

*Moved Trin. Term, 1862.*  
London.—Smith & an. v. New River Co.  
—Rothera v. Clark  
*Tried during Term.*  
Midd.—Tenant v. Bankhart

*Moved Mich. Term, 1862.*  
Midd.—Marshall v. Goldby  
London.—Westcott and Wife v. London, Brighton, & South-coast Railway Co.  
—Hales v. London & North-western Railway Co.  
—Grant v. Humphrey  
—Oppenheim v. Fry  
—Roberts v. Shaw & ora.  
—Gellatti v. Rodocanachi  
—Perez & an. v. Alsop  
—Ashpitel v. Bryan (Rule and D. to come on for argument together)  
Chester.—Reg. v. Lord Delamere & ora.  
York.—Kirk v. Anderson  
—Sutcliffe v. Booth

York.—Martland v. Stockton & Darlington Railway Co.  
—Johnson v. Worus  
Durham.—Hodgson v. Todd  
Liverpool.—Stanley v. Milla  
—Kilshaw v. Jukes  
—Clarke & an. v. Taylor  
—Taylor v. Clarke & an.  
Hants.—Barnes v. Minchin  
Wilts.—Freeman v. Read

Wilts.—Woolford v. Read  
—Barnes v. Read  
Dorset.—Polden v. Bastard  
Kent.—Mennell v. Mayor, &c. of the City of Rochester  
Sussex.—Bellamy v. Saul  
Surrey.—Lockaley v. Rhys  
Glamorgan.—Reynolds v. Crawley.

#### SPECIAL PAPER.

Those marked thus \* are Special Cases, and thus † De-murrers.

###### FOR JUDGMENT.

\*Calcutta & Burmah Steam Navigation Co. (Limited) v. De Mattos  
\*De Mattos v. Calcutta and Burmah Steam Navigation Co. (Limited)  
†Paull & an. v. Best

###### FOR ARGUMENT.

†Mason v. Glamorganshire Canal Co. (Stands for arrangement)  
\*Great Western Railway Co. v. Ramage (Stands over for amendment)  
†Hebbon v. West (To be argued with the case in the New Trial Paper)  
†Harvey v. Mortimore and Jeffery (To be argued with the case in the New Trial Paper)  
†Harvey v. Mortimore and Kelland (Ditto)  
†Pinard v. Klockmanu & an.  
†Westwood & ora. v. Secretary of State for India in Council.  
†Ashpitel v. Bryan (This D. and the case in the New Trial Paper to be argued together)  
\*Osborn v. Donald  
†Royal Mail Steam-packet Co. v. Reg. (Petition of right)  
†Holden v. Horton & ora.

Warton, Ap., Guardians of the Poor of the Blything Union, Resps. (Ap. from County Court)  
†Medcalf v. London & North-western Railway Co.  
\*Palkner & an. v. Earle & ora.  
\*Hatton v. Vassar  
†Stadhard v. Lee & an.  
\*Lord Lonsborough v. Foster  
†Beckley & an. v. Laurie  
Hooper v. Lane (Appeal from Sheriffs' Court of London)  
†Isaac v. Boulnois  
\*Corporation of the Royal Exchange Assurance v. Moore  
†Landrey v. Mitchell & an.  
Stone (Widow) & an. v. Coots (Appeal from County Court)  
†Fray v. Blackburn  
\*Berney & ora. v. Bickmore  
\*Croft v. London and North-western Railway Co.  
†Compigné v. Compigné  
\*Cotton v. Williams & an.  
†Worthington v. Ludlow  
†Nicholson v. Potts  
†Maillard v. Peel, Bart.  
†Maillard v. Grey, Bart.  
†Pust v. Dowle  
†Whitehead & ora. v. Castine  
†Griffin v. Dighton & an.  
†Fowkes v. Manchester and London Life Assurance and Loan Association  
\*Anderson & an. v. Knocker.

#### ENLARGED RULES.

###### FOR JUDGMENT.

In re H. A. De Medina

###### FOR ARGUMENT.

###### First Day.

Betts v. Menzies (Enlarged till after decision of appeal in Court of Error)  
Atkinson v. Reed & ora.

Paterson v. Harris  
In re E. D. Conyers  
In re R. F. Langley  
In re H. L. W. Ellis (Rule to be argued with rule nisi for setting aside award)  
Reg. v. Recorder of Rochester  
In re W. Everest (Stands for another application to be made by C. W. Child).

#### CROWN PAPER, HILARY TERM.

Tewkesbury .... Reg. v. Severn Navigation Commissioners (To stand over for the decision in the House of Lords).  
Surrey ..... Messor.  
Oxfordshire .... Overseers of Neithrop v. Whadcoat.  
Same ..... Overseers of Bloxam v. Same.  
Yorkshire ..... Wilson v. Cator.  
Birmingham .... Sweeney v. Spooner.  
Devonshire .... Reg. v. Archdeacon of Exeter.  
Monmouthshire .... Newport Local Board of Health.  
Middlesex ..... Head.

Yorkshire .....	Morley v. Greenhalgh.
Southampton ...	Reg. v. Commissioners acting in execution of the Acts 43 Geo. 3, c. 21, and 50 Geo. 3, c. 168.
Derby .....	— Inhabitants of Alkmund.
Somersetshire ...	Clerk of the Peace v. Overseers of Shipham.
Yorkshire .....	Jacomb v. Dodgson.
Cambridgeshire ..	Reg. v. Guardians of Cambridgeshire Union.
Ely .....	— Inhabitants of St. Mary and St. Andrew, Whittlesey.
Radnorshire ....	County Roads Board v. Evans.
Surrey .....	Reg. v. Governors of the Poor of Sudbury.
Metropolitan Police District ..	Norton v. Jones.
Oxfordshire ....	Reg. v. Hall.
Staffordshire ....	— Snape.
Nottinghamshire ..	— Brodhurst.
Wilts .....	Tuckey v. Little.
Devon .....	Budge v. Parsons.
Same .....	Same v. Same.
Middlesex .....	Reg. v. Churchwardens of Willesden.
Herts .....	— Eastern Counties Railway Co.
Manchester .....	— Inhabitants of Barton-upon-Irwell.
Cumberland ....	Teather v. Turner.
Middlesex .....	Reg. v. Churchwardens of St. Pancras.
Cornwall .....	Kerkin v. Jenkins.
Salford .....	Overseers of Salford v. Overseers of Manchester.
Metropolitan Police District ..	Richens v. Wiggins.
Newcastle-under-Lyne .....	Reg. v. Myott.
Lincolnshire ....	— Tomleson.
Berwick-upon-Tweed .....	— Inhabitants of Belford.
Staffordshire .....	— Inhabitants of West Bromwich.
Leicester .....	— Inhabitants of Hickley.
Yorkshire .....	— Overseers of Scriven with Tentergate.
Northampton ..	Evans v. Botterill.
Pembrokeshire ..	Reg. v. James.
Tynemouth .....	Stephens v. Le Pelley.
Lancashire .....	Reg. v. Inhabitants of Preston.
Durham .....	— Stockton and Darlington Railway Co.
Middlesex .....	Sherborn v. Wells.
Gloucestershire ..	Wilkinson v. Dutton.
Somerset .....	Reg. v. Inhab. of Hendon, Middlesex.
Gloucester .....	Local Board of Health v. Chandler.
Durham .....	Reg. v. Inhabitants of Barnard Castle.
Huntingdonshire ..	— Local Board of Health, Godmanchester.
Gloucestershire ..	— Inhabitants of Stapleton.
Metropolitan Police District ..	Metropolitan Board of Works and Head v. Williamson.

### Court of Common Pleas.

#### NEW TRIALS.

<i>Moved Mich. Term, 1882.</i>	Surrey—Toppin v. Healey
Warwick—Loveday v. Moore	— White v. Steele
Derby—Hancock v. Austin	— Snell v. Finch
Northampton—Markham v. Stanford	
— Rayson v. Adcock	<i>Moved Hil. Term, 1882.</i>
Devon—Adams v. Mackenzie	Midd.—Cox v. Burbridge
Somerset—Holdway v. Ray	— Cawthorn v. Cordrey
— Lock v. Matthews	Lond.—Trickett v. Tomlinson
Liverp.—Blasgow v. Fletcher	— Tobin & an. v. Harford
— Rowell v. Edelsten	— Bruce v. Oldham
— Heyman v. Flewker	— Aldridge v. Great Western Railway Co.
York—Cheyne v. Courtois	— Bradley v. Goddard
Worcester—Chillingworth v. Reid	— Brampton v. Beddoes
Bucks.—Skull v. Glenister	Warwick—Coleman v. Rathbone.

### DEMURRER PAPER.

#### SPECIAL ARGUMENTS.

<i>Monday, Jan. 19.</i>	Ellis v. Mayor, &c. of Bridg-
Cook & an. v. Lister (Case from Nisi Prius).	north (Sp. C.)
Berridge v. Abbot (D.)	Class A. Shareholders of the St. Andrews and Quebec Railway Co. v. New Brunswick and Canada Railway and Land Co. (Case by ord.)
Wood v. Paine (D.)	Willson v. Cookson (Ap.)
Felkin v. Berridge (Ap.)	Fisher v. Jones (Ap.)
Smith v. Smith (Ap.)	<i>Wednesday, Jan. 21.</i>
Burness v. Magalhaens (D.)	Harrison & an. v. Lay (D.)
Brown & ors. v. Turner (Case from Justices)	Willis v. Moor & an. (D.)
Hawley v. Sentance (Ap.)	Goubillon & an. v. Myers (D.)
Wanstead Local Board of Health v. Hill (Ap.)	Esalle & an. v. Sotheby & an. (Case from Nisi Prius)
Schroder v. Ward (Ap.)	Schloss v. Heriot (D.)
Anderton v. Birkenhead (Ap.)	Warmby v. Deakin (Ap.)
Stott & an. v. Clegg (D.)	
Willis v. Moor & an. (D.)	

#### ENLARGED RULES.

Skoyles v. Beeton, in re G. H. Bush	In re T. Whitlow v. Morris (judgment creditor), Lantom (judgment debtor), & Cox & Co. (garnishees).
Ilderton v. Castrique	
In re White v. Steele & an.	
In re Lurman v. Gelpcke	

#### CUR. ADV. VULT.

Kennedy v. Broun & Ux.	Baxendale & an. v. Great Western Railway Co.
Covey v. Liddetter	
Green v. Read	

### Court of Exchequer.

#### SITTINGS—HILARY TERM.

<i>Days in Term.</i>	<i>Banc.</i>
Monday .....	12 Motions and Peremptory Paper.
Tuesday .....	13 Errors, Peremptory Paper, and Motions.
Wednesday .....	14 .....
Thursday .....	15 Circuits chosen.
Friday .....	16 .....
Saturday .....	17 .....
Monday .....	19 Special Paper.
Tuesday .....	20 .....
Wednesday .....	21 Special Paper.
Thursday .....	22 .....
Friday .....	23 .....
Saturday .....	24 Criminal Appeals
Monday .....	26 Special Paper.
Tuesday .....	27 .....
Wednesday .....	28 .....
Thursday .....	29 .....
Friday .....	30 .....
Saturday .....	31 .....

#### *Days in Term.*

Tuesday .....	13 <i>Nisi Prius.</i>
Monday .....	19 Middlesex, first Sitting.
Wednesday .....	21 London, first Sitting.
Monday .....	26 Middlesex, second Sitting.
Wednesday .....	28 London, second Sitting.
	28 Middlesex, third Sitting.

#### NEW TRIALS.

<i>FOR JUDGMENT.</i>	Lond.—Hodgson v. Wightman
York—Wellock v. Constantine	Lincoln—Cawdron v. Great Northern Railway Co.
Midd.—Hartland v. Jukes	Derby—Painter v. Abel
Warwick—Johnson v. Nixon	Maldstone—Norbury v. Kitchen
<i>FOR ARGUMENT.</i>	Guildford—Hockley v. Husted
Midd.—Cockrell v. Sparke	— Rishworth v. Hughes
— Arbon v. Fussell	Haverfordwest—Robertson v. Powell
Lond.—Cousens v. Micheson	
— Graham & an. v. Webb	
— Hardman v. Booth	
— General Steam Navigation Co. v. Mare	

Chester—Bres v. Hampson  
York—Hall v. Lund  
Fieldhouse v. Beardsall  
Greenbury v. Wittey  
Lancaster—Fielden v. Tat-  
tersall  
Sams v. Hargreaves  
Liverp.—Bruce v. Jones  
Exeter—Metters v. Brown  
Denbigh—Griffiths v. Pennon  
Mold—Jones v. Edwards

Chester—Walker v. Samuels  
Worcester—Bird v. Bond  
Stafford—Riley v. Fleming  
Binns v. Jenks  
Rowland v. Williams  
Gloucester—Von Bracht v.  
Pole  
Wright v. Izod.  
*Moved after the 4th day of  
Mich. Term, 1882.*  
Midd.—James v. Cripps.

## SPECIAL PAPER.

FOR JUDGMENT.  
Read v. Victoria Station and  
Pimlico Railway Co.  
FOR ARGUMENT.  
Brewer v. Dimmack (Part  
heard, standing over for ar-  
rangement)  
London and North-western  
Railway Co. v. Great West-  
ern Railway Co. (Standing  
over for arrangement)  
The Anglo-Californian Gold-  
mining Co. v. Lewis (To  
stand over)  
Fresart v. Lawrence  
Measom v. Henry (To stand  
over till appeal in Measom  
v. Finnigan disposed of)  
Hodgson v. Wood (Pt. hd.,  
to stand over till Sp. C. settled,  
both to be argued together)  
Rait v. Union Bank of Lon-  
don (Part hd., to stand over  
till issues in fact tried)

Lonsdale v. British and Irish  
Magnetic Telegraph Co.  
(To stand over till after ar-  
gument of Sp. C.)  
Wright v. Griffiths (To stand  
over till after decision of a  
similar case in Exchequer  
Chamber)  
Waldron v. Wallinger (To  
stand over till after issues  
in fact tried)  
Bailey v. Griffiths (To stand  
over till decision of a simi-  
lar case in Exchequer  
Chamber)  
Oakeley v. Knight (Sp. C., pt.  
heard, order of Nisi Prius,  
to stand over for arrange-  
ment)  
Mounsey v. Ismay  
Copestake & ors. v. Burgess  
Norris v. Cape Town Railway  
and Dock Company).

## PEREMPTORY PAPER.

*To be called on the first Day of Term after the Motions,  
and to be proceeded with the next Day, if necessary, be-  
fore the Motions.*

Digan & an. v. Wallis & an. | Best v. Heyes.  
Caine & an. Coulson

CLARKE, WILLIAM, William's-terrace, Sewardstone-road West, Vic-  
toria-park, out of business, Jan. 20. Off. Ass. Cannan; Sol. Pope,  
27, Austin-frims.—Pet. f. Jan. 2.  
DEE, WILLIAM HENRY, Cambridge, painter, Jan. 20. Off. Ass. Ed-  
wards; Sols. Foster & Co., Cambridge; Jenkinson, 7, Clement's-  
lane.—Pet. f. Dec. 22.  
FERNINGER, EDWARD HENRY, PERCY, Brighton, in no business,  
Jan. 20. Off. Ass. Cannan; Sols. Nichols & Co., 9, Cook's-court,  
Lincoln's-inn.—Pet. f. Jan. 2.  
HARDING, GEORGE, Blenheim-road, St. John's-wood, and Orchard-  
street, Portman-square, dentist, Jan. 17. Off. Ass. Graham; Sol.  
Rae, 18, Warwick-court, Gray's-inn.—Pet. f. Dec. 30.  
HARRIS, JAMES, Pulham St. Mary, Norfolk, cattle dealer, Jan. 20. Off.  
Ass. Stansfeld; Sols. Sudd, Norwich; Doyle, 2, Verulam-buildings,  
Gray's-inn.—Pet. f. Jan. 1.  
HEWITT, JAMES STARK, Greenwich, out of employ, Jan. 17. Off. Ass.  
Graham; Sol. Todd, 75, Newgate-street.—Pet. f. Jan. 2.  
HOLLES, WILLIAM, Golden-lane, St. Luke's, general dealer, Jan. 20.  
Off. Ass. Stansfeld; Sol. Harcourt, 2, King's Arms-yard.—Pet. f.  
Jan. 3.  
HORTON, HENRY, Oxford-road, Lower-road, Islington, laceman, Jan. 17.  
Off. Ass. Graham; Sol. Terry, 13 and 14, King-street, Cheapside.—  
Pet. f. Jan. 3.  
INSA, PHILLIP, Ringwood, Hampshire, outfitter, Jan. 20. Off. Ass.  
Stansfeld; Sol. Fenton, 17, Devonshire-square.—Pet. f. Jan. 2.  
KEPPE, FREDERICK KILIAN, M. C., High-street, Shadwell, dispensing  
chemist, Jan. 20. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-  
street.—Pet. f. Dec. 31.  
LEWIS, RICHARD, Great Russell-street, Bloomsbury, solicitor, Jan. 20.  
Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f.  
Jan. 2.  
MC CARTHY, THOMAS PRESTON, Royal Mint-street, Tower-hill, Middle-  
sex, tobacconist, Jan. 17. Off. Ass. Graham; Sol. Aldridge, 46,  
Moorgate-street.—Pet. f. Jan. 1.  
MAKE, GEORGE FREDERICK, Piccadilly, civil engineer, Jan. 20. Off.  
Ass. Stansfeld; Sol. Watson, 18, Cannon-street.—Pet. f. Jan. 2.  
PENFOLD, OLIVER, Blackmoor-street, Drury-lane, chemist, Jan. 17.  
Off. Ass. Graham; Sol. Samler, 3, Gray's-inn-square.—Pet. f.  
Jan. 1.  
SAUNDERS, JOHN AMM, Old Manor-street, Chelsea, builder, Jan. 20.  
Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f.  
Jan. 5.

SCALES, EDWARD, Dalston, victualler, Jan. 20. Off. Ass. Edwards;  
Sol. Gellatly, 3, St. Michael's-alley, Cornhill.—Pet. f. Dec. 23.  
SELF, CHARLES, Myddleton-street, Clerkenwell, cabinet maker, Jan.  
20. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f.  
Dec. 31.  
TAYLOR, EDMUND, Eastbourne, Sussex, tobacconist, Jan. 20. Off. Ass.  
Edwards; Sols. Luskaters & Co., 7, Walbrook.—Pet. f. Jan. 3.  
TAYLOR, JOHN, Canonbury-lane, Islington, out of business, Jan. 17.  
Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f.  
Dec. 31.  
WHITE, JOSEPH PETER, Torrington-mews, Burwood-place, Edgeware-  
road, cab driver, Jan. 20. Off. Ass. Cannan; Sol. Chipperfield, 3,  
Trinity-street, Southwark.—Pet. f. Jan. 2.  
WILSHIRE, RICHARD HARRIS, Bow, Middlesex, foreman to a miller,  
Jan. 20. Off. Ass. Edwards; Sol. Wells, 42, Moorgate-street.—  
Pet. f. Jan. 1.  
WRIGHT, CECIL FRANCIS, Montrose-terrace, Caledonian-road, Hollow-  
way, messenger, Jan. 17. Off. Ass. Graham; Sols. Mayhew & Co.,  
26, Carey-street, Lincoln's-inn.—Pet. f. Dec. 31.

*To be heard in the Country.*

BAINES, JOSEPH, Redditch, Worcestershire, beer-house keeper, Jan.  
15, Redditch. Off. Ass. Browning; Sol. Kilby, Banbury.—Adj.  
Dec. 12.  
BATE, JAMES, Hove, Sussex, dentist, Jan. 28, Brighton. Off. Ass.  
Everhead; Sol. Goodman, Brighton.—Pet. f. Jan. 2.  
BATEMAN, MARK, Hanham, Gloucestershire, dealer in hay, Jan. 23,  
Bristol. Off. Ass. Harley; Sol. Thompson.—Pet. f. Dec. 30.  
BRIDGENS, JOHN, Birmingham, greengrocer, Feb. 2, Birmingham. Off.  
Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Jan. 22.  
BUCK, BENJAMIN, Kingston-upon-Hull, cap manufacturer, Jan. 10,  
Hull. Off. Ass. Phillips.—Adj. Dec. 17.  
CHISM, FREDERICK, Dawley, Shropshire, beer-house keeper, Jan. 23,  
Birmingham. Off. Ass. Whitmore; Sols. Newell, Wellington; Hodg-  
son & Co., Birmingham.—Pet. f. Jan. 3.  
CLARKE, CHARLES, Lincoln, carpenter, Jan. 17, Lincoln. Off. Ass.  
Uppley; Sol. Toynebee, Lincoln.—Pet. f. Jan. 3.  
COOKE, RICHARD, Hulme, Manchester, townsmen, Jan. 17, Salford.  
Off. Ass. Hulton; Sol. Seddon, Manchester.—Pet. f. Jan. 2.  
CUMMINS, JOHN, Bristol, beer retailer, Jan. 23, Bristol. Off. Ass. Har-  
ley; Sol. Ayre.—Pet. f. Jan. 1.  
EDMONDSON, CHRISTOPHER, Bradford, Yorkshire, skirt manufacturer,  
Jan. 19, Leeds. Off. Ass. Carrick; Sol. Granger, Leeds.—Pet. f.  
Jan. 1.  
EDSON, JOHN, Birmingham, out of business, Feb. 2, Birmingham. Off.  
Ass. Guest; Sol. East, Birmingham.—Pet. f. Jan. 1.  
FAIRCHILD, JAMES, Farnham, Surrey, beer retailer, Jan. 16, Farnham.  
Off. Ass. Hollest; Sol. White, Guildford.—Pet. f. Jan. 1.  
FIELD, THOMAS, Hales Owen, Worcestershire, carpenter, Jan. 12, West  
Bromwich. Off. Ass. Watson; Sol. Jackson, West Bromwich.—Pet.  
f. Jan. 1.  
FOSTER, WALTER, Sheffield, assistant to a photographer, Jan. 21,  
Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet.  
f. Jan. 5.  
GOSVETT, WILLIAM, Cadexton-juxta-Neath, Glamorganshire, farmer,  
Jan. 17, Neath. Off. Ass. Morgan; Sol. Gooders, Neath.—Pet. f.  
Jan. 2.  
GOWER, JOHN, Aythrop Roothing, Essex, farming bailiff, Jan. 27, Dun-  
mow. Off. Ass. Wade; Sol. Veley, Chelmsford.—Pet. f. Nov. 19.  
GREASLEY, JAMES, Scarborough, Yorkshire, bookseller, Jan. 22, Leeds.  
Off. Ass. Young; Sol. Simpson, Leeds.—Pet. f. Jan. 2.  
GREEN, JOSEPH, Sheffield, warehouseman, Jan. 21, Sheffield. Off.  
Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. Jan. 5.  
HACK, THOMAS, Haydon, Lincolnshire, gardener, Jan. 19, Sleaford.  
Off. Ass. Moore; Sol. Mallin, Grantham.—Pet. f. Jan. 2.  
HAM, JOHN, Redruth, Cornwall, butcher, Jan. 21, Exeter. Off. Ass.  
Hirtzel; Sol. Campion, Exeter.—Pet. f. Jan. 2.  
HARRISON, JOHN, Penny Bentley, near Ashbourne, Derbyshire, shop-  
keeper, Jan. 16, Ashbourne. Off. Ass. Hubbeny; Sol. Stone,  
Wirksworth.—Pet. f. Jan. 3.  
HOOPER, WILLIAM, Portsmouth, assistant to a bookseller, Jan. 17,  
Portsmouth. Off. Ass. Howard; Sol. Pafford, Portsea.—Pet. f.  
Jan. 2.  
HUMPHRIES, WILLIAM, King's Norton, Worcestershire, clerk, Feb. 2,  
Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f.  
Dec. 31.  
HUNTINGDON, JOHN, Sheffield, joiner, Jan. 21, Sheffield. Off. Ass.  
Wake; Sol. Broadbent, Sheffield.—Pet. f. Jan. 2.  
JACKSON, WILLIAM, Kidderminster, Worcestershire, tailor, Jan. 21,  
Kidderminster. Off. Ass. Talbot; Sol. Boycott, Kidderminster.—  
Pet. f. Dec. 30.  
JENKINS, JOHN, Berry Edge, Durham, builder, Jan. 23, Newcastle-  
upon-Tyne. Off. Ass. Baker; Sol. Brignal, Durham.—Pet. f.  
Dec. 26.  
JONES, RICHARD, Llandaniefellb, Anglesey, farmer, Jan. 19, Llan-  
gefnal. Off. Ass. Dew; Sol. Owen, Llangefni.—Pet. f. Dec. 24.  
JONES, ROBERT, Dawley, Shropshire, Jan. 17, Madeley. Off. Ass.  
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ness, Jan. 26, Burnley. Off. Ass. Hartley; Sol. Hartley, Burnley.  
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 worth. Off. Ass. Hubbersty; Sol. Stone, Wirksworth.—Pet. f.  
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DAVEY, THOMAS, Lewes and Eastbourne, Sussex, printer, Jan. 14, Lewes. Off. Ass. Blaker; Sol. Goodman, Brighton.—Pet. f. Jan. 1.

DE WILDYCKE, ARTHUR SILVERER, Manchester, professor of languages, Jan. 30, Manchester. Off. Ass. Pett; Sol. Hankinson, Manchester.—Pet. f. Jan. 7.

GILLESPIE, ROBERT, Merthyr Tydfil, Glamorganshire, travelling draper, Jan. 21, Merthyr Tydfil. Off. Ass. Russell; Sol. Piewa, Merthyr Tydfil.—Pet. f. Jan. 5.

HARRIS, WILLIAM, Winchcomb, Gloucestershire, carpenter, Jan. 27, Winchcomb. Off. Ass. Plumb; Sol. Boodle, Cheltenham.—Pet. f. Jan. 6.

HOLLANDER, GEORGE RUERN, Coventry, watch manufacturer, Jan. 26, Birmingham. Off. Ass. Whitmore; Sol. Smith, Birmingham.—Pet. f. Jan. 6.

HUNTINGTON, MARY, and HUNTINGTON, ELLEN, Liverpool, earthenware dealers, Jan. 20, Liverpool. Off. Ass. Hime; Sol. Gill, Liverpool.—Pet. f. Jan. 3.

JARRETT, FRANCIS SCARDEFIELD, Havant, Hampshire, butcher, Jan. 20, Portsmouth. Off. Ass. Howard; Sol. Cousins, Portsea.—Pet. f. Jan. 5.

KING, THOMAS, and VARVILL, ROBERT, Liverpool, ironfoundry warehousemen, Jan. 23, Liverpool. Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. Jan. 7.

L'ALLENAND, GEORGE HUON, Durham, picture dealer, Jan. 21, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. Dec. 31.

LAWSON, WILLIAM, Torquay, Devonshire, confectioner, Jan. 20, Newton Abbot. Off. Ass. Pidsley; Sol. Parsons, Shaldon and Torquay.—Pet. f. Jan. 3.

NORTHAM, JAMES, Winham, Somersetshire, national schoolmaster, Jan. 26, Chard. Off. Ass. Dommett; Sol. Paul, Ilminster.—Pet. f. Jan. 5.

PEARSON, JAMES, Kingswinford, Staffordshire, charter master, Jan. 23, Birmingham. Off. Ass. Kinneir; Sol. Collis, Stourbridge.—Pet. f. Jan. 7.

PERRY, HUGH BOOTH, Hanley, Staffordshire, flint grinder, Jan. 19, Birmingham. Off. Ass. Kinneir; Sols. Tennant & Co., Hanley; Smith, Birmingham.—Pet. f. Jan. 3.

PITMAN, JOSEPH, Taunton, Somersetshire, painter, Jan. 23, Taunton. Off. Ass. Giles; Sol. Reed, Bridgwater.—Pet. f. Jan. 2.

REYNOLDS, CHARLES, Hulme, Manchester, gentleman, Jan. 27, Manchester. Off. Ass. Hermanian; Sol. Hewitt, Manchester.—Pet. f. Jan. 6.

SIMMONDS, THOMAS, West Hoathly, Sussex, bricklayer, Jan. 22, East Grinstead. Off. Ass. Fearless; Sol. Goodman, Brighton.—Pet. f. Jan. 7.

SMITH, JOHN, Manchester, out of business, Jan. 26, Manchester. Off. Ass. Kay; Sol. Fletcher, Manchester.—Pet. f. Jan. 6.

SMITH, THOMAS, Bromsgrove, Worcestershire, baker, Jan. 19, Birmingham. Off. Ass. Whitmore; Sols. Scott & Co., Bromsgrove; James & Co., Birmingham.—Pet. f. Jan. 5.

STOREY, EDMUND, and HATON, DAVID, Halifax, Yorkshire, curriers, Jan. 26, Leeds. Off. Ass. Carrick; Sols. Norris & Co., Halifax; Carris & Co., Leeds.—Pet. f. Jan. 5.

TAYLOR, HENRY, Sheffield, architect, Jan. 23, Sheffield. Off. Ass. Wake; Sols. Chambers & Co., Sheffield.—Pet. f. Jan. 8.

WATERHOUSE, THOS. POOLE, St. Helens, Lancashire, draper, Jan. 23, Liverpool. Off. Ass. Turner; Sol. Darnton, Wigan.—Pet. f. Jan. 3.

WILLIAMS, JAMES, Wolverhampton, Staffordshire, labourer, Jan. 19, Wolverhampton. Off. Ass. Brown; Sol. Underhill, Wolverhampton.

WILLIAMSON, WILLIAM, Dalston, Cumberland, innkeeper, Jan. 23, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Wright, Carlisle; Hoyle, Newcastle-upon-Tyne.—Pet. f. Dec. 29.

WOOD, JOSEPH, Halifax, Yorkshire, cartwright, Jan. 23, Halifax. Off. Ass. Dyson; Sols. Norris & Co., Halifax.—Pet. f. Jan. 7.

WOODHOUSE, BENJAMIN, Duffield, Derbyshire, miller, Jan. 21, Belper. Off. Ass. Ingle; Sol. Leach, Derby.—Pet. f. Dec. 30.

WOOTTON, CHARLES, Old Basford, Nottinghamshire, licensed victualler, Jan. 20, Nottingham. Off. Ass. Harris; Sol. Parsons, Nottingham.—Pet. f. Jan. 5.

## BANKRUPTCY ANNULLED.

TURNER, MARCUS WILLIAM, Brighton.

## PARTNERSHIPS DISSOLVED.

FRYER, MERLIN, and SONEY, GEORGE FRANK, St. Thomas the Apostle, Devonshire, attorneys-at-law, solicitors, and conveyancers.

WHITLEY, EDWARD, and THOMSON, BENJAMIN J., Liverpool, solicitors and attorneys.

## TUESDAY, Jan. 13.

## BANKRUPTS.

*To be heard in London.*

BARKER, ISAAC, Bruges-terrace, York-road, Stepney, dealer in building materials, Feb. 3. Off. Ass. Edwards; Sol. Hill, 43, Basinghall-street.—Pet. f. Jan. 9.

BOARD, CHARLES THOMAS, and IVIMY, JOHN (and not IVING, as before advertised), Worship-street, leather merchants, Jan. 17. Off. Ass. Graham; Sols. Harrison & Co., Old Jewry.—Pet. f. Dec. 26.

[For continuation of Gazette, see p. 15.]



## CONTENTS.

London Gazette .....	10	VICE-CHANCELLOR STUART'S COURT—(continued).	
Leading Article .....	11	Pratt v. Bull.—(Court of Probate, registration of order of, in Common Pleas—Bill to make order a charge on land—1 & 2 Vict. c. 110, s. 13—20 & 21 Vict. c. 77, ss. 25, 83—Demurrer allowed) .....	40
Regula Generalis .....	13	VICE-CHANCELLOR WOOD'S COURT.	
Court Papers:—Equity Cause Lists, Hilary Term ....	13	By H. B. INCE, Barrister at Law.	
NAMES OF THE CASES REPORTED.		Hook v. Hook.—(Gavelkind—Descent—Issue jure representationis) .....	42
HOUSE OF LORDS.		EXCHEQUER CHAMBER.	
By J. T. HOPWOOD, Barrister at Law.		By C. W. LOVESY, Barrister at Law.	
Betts v. Menzies.—(Patent—Infringement—Comparison with an antecedent specification—Publication—Novelty) .....	29	Festing v. Taylor.—(Devise—Rent-charge—Income tax, by whom payable) .....	44
COURT OF CHANCERY.		COURT OF QUEEN'S BENCH.	
By J. T. HOPWOOD, Barrister at Law.		By H. HOLROYD, Barrister at Law.	
Ex parte Cole and J. T. Attwater, in re J. W. Attwater.—(Bankruptcy—12 & 13 Vict. c. 106, s. 120—Alleged fraudulent sale—Costs of assignees) ...	33	Reg. v. Hayward.—(Municipal Corporation Act, 5 & 6 Will. 4, c. 76, ss. 103, 105—Clerk of the peace, removal of, in boroughs) .....	45
Ex parte Churchill, in re Griffiths, and in re Thorneycroft and Griffiths.—(Bankruptcy—24 & 25 Vict. c. 134, s. 88—Consolidation of proceedings under two adjudications—Costs of official assignees)....	33	By C. W. LOVESY, Barrister at Law.	
ROLLS COURT.		Reg., on the Prosecution of the Vauxhall Bridge Company v. The Vestry of Lambeth.—(Bridge—Lighting—Transfer of duty from the company to the vestry of the parish—Metropolis Local Management Act, 18 & 19 Vict. c. 120, ss. 90, 130, 250) ..	48
By C. W. CROUCH, Barrister at Law.		COURT OF COMMON PLEAS.	
Bernard v. Davies.—(West Indian estates—Manager of—Lien—Mortgagor and mortgagee) .....	34	By J. GRANT, Barrister at Law.	
VICE-CHANCELLOR KINDERSLEY'S COURT.		Spackman v. Miller.—(Bankruptcy—Reputed ownership—Bill of sale—Redemption from mortgages—12 & 13 Vict. c. 106, s. 125) .....	50
By C. MARETT, Barrister at Law.		COURT OF EXCHEQUER.	
In re Bidwell's Settlement.—(Will—Power—Execution) .....	37	By W. BRANDT, Barrister at Law.	
VICE-CHANCELLOR STUART'S COURT.		Walker v. Olding and Another.—(Measure of damages—Ft. fa.—Interpleader order—Sale—Remoteness) 53	
By T. F. MORSE, Barrister at Law.		CONSISTORY COURT OF DURHAM.	
Stubbin v. Fisher.—(Administration suit—Promissory notes insufficiently stamped—Common-law Procedure Act, 1854) .....	38	By DR. MIDDLETON.	
In re The Trustee Relief Act (10 & 11 Vict. c. 96), and in re Grove's Trusts.—(Will—Construction—"All and every the children"—Vested interests—Tenancy in common—Wife's equity to a settlement). 38		Gray and Kayle v. Backhouse.—(Church rate—Quaker—Jurisdiction—7 & 8 Will. 3, c. 34—53 Geo. 3, c. 127—5 & 6 Will. 4, c. 74) .....	54

## THE JURIST.

LONDON, JANUARY 17, 1863.

THE case of *Parker*, app., *Green*, resp. (reported in 2 Best & Sm. 299), just published, deserves attention, as involving some points in the law of evidence.

The subject of the incompetency of witnesses, which made so great a figure in the old treatises on the Law of Evidence (in Philipps & Amos on Evidence, published in 1838, no less than 170 pages are devoted to it), has in modern times shrunk into a small compass, and in all probability will be still further restricted. The 6 & 7 Vict. c. 85, abolished the incompetency of witnesses on the ground of infamy and of interest in the event of the suit; and the 14 & 15 Vict. c. 99, did the same with respect to parties to the suit, except in cases of proceedings instituted in consequence of adultery, and actions for breach of promise of marriage; the former of which have since been removed from the jurisdiction of the common-law courts by the 20 & 21 Vict. c. 85. The 14 & 15 Vict. c. 99, contained, however, a more important exception, on the construction of which difficulties have arisen, and on which the chief question in *Parker v. Green* depended. The 3rd section enacts, "But nothing herein contained shall render any person, who in any criminal proceeding is

charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall, in any criminal proceeding, render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband."

Not very long after the passing of the statute arose the question, what is a "criminal proceeding," within the meaning of this section? In *The Attorney-General v. Radloff* (10 Exch. 84), the Court of Exchequer were equally divided in opinion as to whether an information for penalties, under the revenue laws, was a criminal proceeding within it or not—Pollock, C. B., and Parke, B., holding the affirmative, and Martin and Platt, BB., the negative. To meet this particular class of cases several statutes have since been passed, the 17 & 18 Vict. c. 122, s. 15; 18 & 19 Vict. c. 96, ss. 44 and 36; and the 20 & 21 Vict. c. 62; whether with sufficient words to carry out fully the intention of the Legislature, we need not at present inquire. But qui tam actions for penalties,—although, to a certain extent, they partake of a penal character,—and many charges preferred before justices of the peace, although, in one sense, they may be looked on



as criminal proceedings; such for instance, as applications for orders of affiliation; do not come within this section. (Tayl. Ev., s. 1224, 3rd ed.)

The next case deserving of notice, and which was largely referred to in *Parker v. Green*, is that of *Cattell*, app., *Ireson*, resp. (El., Bl., & El. 91), in which it was held that an information, under the 1 & 2 Will. 4, c. 32, s. 23, for using an engine for the purpose of taking game without a certificate is a criminal proceeding, and consequently that the party charged is an incompetent witness.

The case before us, *Parker v. Green*, was an information, before justices in petty sessions, under the 9 Geo. 4, c. 61, s. 21, against a person licensed under that act to sell exciseable liquors by retail, for that he did, "unlawfully and knowingly permit and suffer persons of notoriously bad character to assemble and meet together in his house and premises;" contrary to the tenor of his license. The defendant was tendered by his attorney as a witness to disprove the charge, but rejected by the bench as incompetent. A case having been stated for the opinion of the Court of Queen's Bench, under the 20 & 21 Vict. c. 43, the Court, consisting of Wightman and Crompton, JJ., affirmed the conviction. *Cattell v. Ireson* was cited by the counsel in support of it; and the observations of Martin, B., in *The Attorney-General v. Radloff*, and those of Erle, C. J., in *Legg v. Pardoe* (9 O. B., N. S., 289), where he says, "I do not assent to the doctrine that all offences under the act (1 & 2 Will. 4, c. 32) are to be dealt with as criminal offences, because in one case it is provided that imprisonment with hard labour may be inflicted for non-payment of the penalty," were relied on by the opposite side. It was also urged that the offence could not be considered of a criminal nature, as the justices were not empowered to visit the party with imprisonment in the first instance, and could only adjudicate him to pay a fine, which might, if necessary, be enforced by imprisonment, but without hard labour.

The Court, as already observed, decided in favour of the respondent; and the reasoning of Wightman, J., seems conclusive on the point. His Lordship said—"Looking at the 9 Geo. 4, c. 61, on which the conviction proceeded, it appears clearly to be treated as a criminal offence; for sect. 21 enacts, 'Every person licensed under this act, who shall be convicted before two justices, &c. of any offence against the tenor of the license to him granted, shall, unless &c., be adjudged by such justices to be guilty of a first offence against the provisions of this act relative to the maintenance of good order and rule;' and for that the punishment is, not imprisonment it is true, but a fine. And in the latter part of the same section it is provided, that, on proof of certain facts, the party shall 'be adjudged to be guilty of a third offence against the provisions of this act;' and it also goes on to provide that the justices may, in their discretion, adjourn the case to the quarter sessions, which may 'adjudge such person to be guilty of a third offence against the provisions of this act,' and 'punish such offender by fine;' thus treating fine as a punishment for offence against good order and rule." Crompton, J., delivered judg-

ment to the same effect, in the course of which he laid down the following general principle, which we take to be the true one:—"When a proceeding is treated by a statute as imposing a penalty for an offence against the public, the amount of which penalty is to be meted by the justices according to the magnitude of the offence, there can be no doubt that the proceeding is a criminal one. . . . Sect. 25 of this act provides, that if the pecuniary penalty be not paid, it may be enforced by distress; and if that be not practicable, then by committal 'to the common gaol or to the house of correction;' and this, therefore, raises the point distinctly, what is the effect of a statute rendering a party liable to be fined and imprisoned if a fine imposed on him be not paid? I am of opinion that that provision constitutes the act an offence against the public, and the proceeding a criminal proceeding; and I will go farther, and say, that the consequence would be the same if the statute had only provided that the act should be punished by fine." The nature of the punishment cannot be the test. As was observed by counsel in the argument of *Reg. v. Radloff*, an information for intrusion in the Court of Exchequer is not a criminal proceeding, and yet in such a case the Crown may, if it pleases, waive its right to *mens profits*, and call for the infliction of a fine instead; and the old appeals of felony were civil proceedings (see *Ashford v. Thornton*, 1 B. & Al. 405, 461), although if judgment went against the defendant he was hanged. Both Wightman and Crompton, JJ., however, made use of another argument in support of the conviction, the soundness of which we may be permitted to question. The former says, "If the argument of the appellant's counsel is right, the appellant might be made to convict himself, and be punished;" and the latter; having in the course of the argument asked the appellant's counsel whether he meant to contend that the appellant might have been examined before the justices as a witness for the prosecution, and received an answer in the affirmative; says, in his judgment, "The Legislature has taken care that a man shall not be competent or compellable in such proceedings to give evidence for or against himself, or be compellable to criminate himself." We apprehend that the competency of a witness to give evidence, either for or against himself, and the privilege of a witness to decline answering particular questions, on the ground that they might tend to criminate him, are two very different things, and should not be confounded. The latter applies by the common law to all proceedings, both civil and criminal, and the words in the 3rd section of the 14 & 15 Vict. c. 99, "shall render any person compellable to answer any question tending to criminate himself or herself," are only declaratory of it.

The other point of evidence in *Parker v. Green* was this—it having been proved, that on the occasion in question a large number of prostitutes were seen in the bar of the appellant's premises, who were acting in a disorderly manner, evidence was offered to shew that on a previous occasion some of the same prostitutes were seen there. This evidence was objected to, but received by the justices; and on the question coming before the Court of Queen's Bench, Crompton, J., was at first inclined to think that the evidence was not admissible; according to the principle of *Reg. v. Oddy*

(2 Den. C. C. 264), where, on an indictment for stealing and for receiving the property of A., knowing it to have been stolen, it was held, that evidence of possession by the accused of other property stolen from other persons was not admissible: but on its being pointed out that the evidence offered was not the mere fact of the appellant's having received prostitutes in his house on a former occasion, inasmuch as some of the same prostitutes were present on both occasions, his Lordship thought that circumstance distinguished the cases, and concurred with Wightman, J. in holding the evidence admissible.

There was a third point in *Parker v. Green*, but unconnected with any question of evidence. The offence created by the 9 Geo. 4, c. 61, is the suffering "persons of notoriously bad character" to assemble on premises; and it was contended by the appellant's counsel, that "prostitutes" did not, as such, come within that description. He argued that prostitution per se is not an offence against society, and pointed attention to the 23 & 24 Vict. c. 27, s. 32, and the 5 & 6 Vict. c. cvi, s. 251, where the words "prostitutes" and "persons of notoriously bad character" are both used by the Legislature as apparently distinct. The Court, however, expressed a decided opinion against the appellant on this point.

### REGULA GENERALIS.

#### COURT OF COMMON PLEAS.

##### HILARY TERM, 26 VICT.

WITH respect to acknowledgments by married women in any colony or foreign possession, being part of the dominions of her Majesty, it is ordered that affidavits verifying the same, made before any court, judge, magistrate, commissioner, notary public, or other person authorised to administer an oath, and containing in the jurat a statement by such court, judge, magistrate, commissioner, notary public, or other person authorised to administer an oath, of the name or title of the office or authority which he or they respectively hold and execute, shall be received as a sufficient compliance with the requirements of stat. 3 & 4 Will. 4, c. 74, s. 85, relating to affidavits of verification.

Jan. 13, 1863.

BY THE COURT.

**NOTICE.**—The Lord Chancellor has directed the registrars not to pass any order made under the Trustee Act, 1850; the 15 & 16 Vict. c. c. 55 (the Trustee Extension Act); or the 25 & 26 Vict. c. 53 (Transfer of Land Act), which shall have the effect of a conveyance or assignment of any lands, or a transfer of any such stock as can only be transferred by stamped deed, until the same shall have been duly stamped, as required by sect. 13 of the 15 & 16 Vict. c. 55, and sect. 47 of the 25 & 26 Vict. c. 53.

The Commissioners of Inland Revenue will at any time stamp an order after it is written, and before it is passed by the registrar.

Cecil Monro, Registrar.

Registrar's Office, Dec. 19, 1862.

**JURIDICAL SOCIETY.**—A meeting of this society took place on Monday, the 12th January, at eight P.M., at its rooms, No. 4, St. Martin's-place, Trafalgar-square, C. Clerk, Esq., in the chair; when the question of "Our present treatment of criminals" was brought before the society by Mr. Worsley. The Chairman, Mr. Joshua Williams, Mr. Hume Williams, and Mr. W. Marshall having addressed the meeting, the debate was adjourned.

### Court Papers.

#### EQUITY CAUSE LISTS, HILARY TERM, 1863.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—Cl. Claim—C. Costs—D. Demurrer—E. Exceptions—F. C. Further Consideration—F. D. Further Directions—M. Motion—M. D. Motion for Decree—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Rehearing—Sp. C. Special Case—S. O. Stand Over—S. Short.

#### Before the LORD CHANCELLOR and the LORDS JUSTICES.

##### APPEALS.

Jones v. Elborough (R., July 17, 1861) L. J.

In re Teil { (S., June 4, 1862)  
Teil v. Barlow { L. J., S. O.  
Mills v. Barlow { to come on with F C)

Lady M. E. Topham v. Duke of Portland (R., Nov. 1) L. J.

Same v. Same (R., Nov. 10) L. J.

Wellesley v. Mornington (3) (K., Nov. 12) L. J.

Same v. Same (3) (K., Nov. 20) L. J.

Same v. Same (3) (K., Dec. 13) L. J.

Glover v. Daubney (R., Nov. 20) L. C.

Pratt v. Bull (S., Dec. 16) L. C.

Edelsten v. Edelsten (W., Dec. 16) L. C.

Bolding v. Lane (S., Dec. 16) L. C.

Baker v. Metropolitan Railway Co. (R., Dec. 16) L. C.

Fagg v. James (R., Dec. 17) L. C.

Gleaves v. Paine (R., Dec. 20) L. C.

Parker v. Nickson (S., Dec. 20) L. C.

Auster v. Powell (R., Dec. 23) L. C.

Shepherd v. Brown (S., Dec. 24)

Wetherell v. Wetherell (S., Jan. 5, 1863).

#### Before the Right Hon. the MASTER OF THE ROLLS.

##### CAUSES, &c.

Raikes v. Raikes (D)

In re Shovelton } (F C, adj.  
Shovelton v. Shovelton } from chamb.)

Clark v. Eversfield (M D)

Ellis v. Mayor, Aldermen, and Burgesses of the Borough of Bridgnorth (Cause) Jan. 31

Fell v. Wright (M D)

Bate v. Robins (Cause, witnesses to be cross-examined) Jan. 20

Larkins v. Watson (F C)

Hunt v. Fisher (M D)

Cannon v. Onslow (M D)

Higgs v. Ramage (M D)

Pinchard v. Robinson (M D)

Croskill v. Bower (M D)

Windover v. Smith (M D)

Young v. Neill (M D) Jan. 29

Bower v. Turner (M D)

Elger v. Wright (M D)

Nesbitt v. Berridge } (Cause)

Butler v. Berridge } (Cause)

Crawshay v. Barrett (M D)

Homan v. Sturgis (M D)

Cooper v. Jenkins (M D)

Beaumont v. Carter (M D)

Whale v. Griffiths (M D)

Meadeking v. Warren (Sp C)

Thomas v. Morgan (M D)

Parish v. Parish (M D)

Conlston v. Gardner (Cause)

West v. Rackstraw (M D)

Jones v. Davis (M D)

Barrett v. Crawshay (M D)

Parker v. Parker (M D)

Correa v. Correa (M D)

Ogle v. Meggison (Cause)

Penrice v. Penrice (M D)

Padley v. Weacomb (M D)

Fairclow v. Wiglesworth } (F C)

Wiglesworth v. Wiglesworth } (F C)

Absolom v. Gething (Cause)

In re Hales } (F C)

Hales v. Cox } (F C)

Bolitho v. Hillyar (M D)

In re Whinney } (F C)

Sanderson v. Stoddart } (F C)

Matthews v. Matthews (M D)

Tyrwhitt v. Tyrwhitt (Cause)

Robinson v. Grant (M D)

Att.-Gen. v. Bland (F C)

Bonfield v. Hassell (M D)

Steel v. Cobb (M D)

Carter v. Beaumont (M D)

Lumsden v. Arden (M D)

Acland v. Gravener (M D)

Sheild v. Taylor (M D)

Craddock v. Beasley (M D)

Izod v. Izod (M D)

Thorn v. Commissioners of her Majesty's Works and Public Buildings (M D)

Dixie v. Wright (M D)

Marriott v. Woodhead (F C)

Bakewell v. Small (M D)

Cartwright v. Marsden (F C)

Farmer v. Dean (M D)

Downes v. Jennings (M D)

Hewett v. Borough of Portsmouth Waterworks Co. (M D)

Gibbons v. Snape (M D)

Hebbert v. Windle (Cause)

Alder v. Lawless (M D)

Moss v. Moss (M D)  
Middleton v. Chichester (M D)

Featherstone v. Johnstone (M D).

Robinson v. Brown (F C)  
Lloyd v. Lloyd (M D)  
Bigge v. Bigge } (F C)  
Bigge v. Bigge }

Gray v. Morrison (M D)  
Foster v. Davis (M D)  
Coward v. Jenkinson (F C)  
Mallett v. White (F C, Summ.)

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

## CAUSES, &amp;c.

Garrett v. Shrimpton (D)  
Hitch v. Vesper (M D)  
Chaffey v. Patch (M D)  
Chapman v. Brown (M D)  
Reeve v. Whitmore (M D)  
Martin v. Whitmore (Cause)  
Evans v. Evans (Cause)  
Henderson v. Castle (F C)  
Wilkinson v. Wilkinson (M D)  
Randfield v. Randfield (F C, Summons to vary)  
Watts v. Yelverton (M D)  
Faulkner v. Llewellyn (M D)  
Woodhatch v. Freeland (M D)  
Baskcombe v. Wythes (Cau.)  
Bateman v. Cook (M D)  
Rose v. Sharrod (F C)  
Welford v. Stokoe (M D)  
Young v. Davies (M D)  
Penfold v. Kelly (M D)  
Hodgson v. Wakeham (M D)  
Moss v. Turner (F C)  
Howard v. Chaffers } (F C)  
Howard v. Robinson }  
Clarkson v. Bradley (M D)  
Hingley v. Tandy (M D)  
Dukinfield v. Cameron (Cau.)

Lawson v. Stoddart (Cause)  
Thrupp v. Preston (F C)  
Drevon v. Drevon (Cause)  
Scolefield v. Redfern (F C)  
Stephens v. Wall (Cause)  
Tuckniss v. Alexander (Cau.)  
Pearce v. Graham (M D)  
Rice v. Rooth (F C)  
Bethell v. Kitchen (Re-hear.)  
Partridge v. Smith (M D)  
Law v. Irving (M D)  
Barras v. Roseby (Cause)  
Shrubsole v. Schnieder } (M D)  
Schnieder v. Shrubsole }  
Williams v. Kirby (M D)  
Baker v. Machin (F C)  
Welch v. Sparks (Cause)  
Morrall v. Morrall (M D)  
Wall v. Stephens (M D)  
Hunter v. Illingworth (M D)  
Collings v. Harris (M D)  
In re British Provident Life and Fire Assurance Society (Trial by jury)  
Jones v. Gloster (F C)  
Moxon v. Bielefeld (M D)  
Birdseye v. Birdseye (F C)  
Gorton v. Hooper (M D).

*Before the Vice-Chancellor Sir JOHN STUART.*

## CAUSES, &amp;c.

Wormald v. Barrett (D)  
Williams v. Trueman (F C)  
Longborne v. Walker (M D)  
Bennett v. Knighton Railway Co. (M D)  
Williams v. Cooke (F C, Su.)  
Thomas v. Rogers (M D)  
Scott v. Watson (M D, part heard)  
Jones v. Rosser (F C)  
Dashwood v. Dashwood (M D)  
Willson v. Pratley (M D)  
Dexter v. Powell (M D)  
Sisson v. Giles (M D)  
Phipps v. Baseley (M D)  
Phipps v. Nesbitt (M D)  
Clark v. Harding (F C)  
West v. West (F C, 2 Summs.)  
Gray v. Wing (F C, Summs.)  
Cox v. Healey (F C)  
Brumfit v. Hart (M D)  
Currie v. Lewin (F C)  
Eno v. Tatam (M D, Ptn)  
Barnes v. Robinson (M D)  
Brown v. Tummon (M D)  
Louis v. Sir J. Louis, Bart. (Cause)  
Foster v. Shallis (F C)  
Roker v. Haslett (M D)  
Sayce v. Griffiths (M D)  
Bryson v. Gibbons (F C)  
Kemp v. Burn (M D)  
Pratt v. Waring (Cause)  
West v. West (M D)  
Nash v. Brown (Cause)  
Davies v. Evans (Cause)  
Carr v. Senior (M D)  
Richardson v. Tennant (Cau.)  
Skelton v. Arnold (M D)

Higham v. Higham (F C)  
Phillips v. Phillips (M D)  
Mann v. Hornby (Cause)  
Hulbert v. Hulbert (M D)  
Lodge v. Prichard and 8 other causes (F C)  
Swanston v. Commissioners for the Exhibition of 1862 (M D)  
Cuthbertson v. Jenkins (M D)  
Prideaux v. Lonsdale (M D)  
Barton v. Gainer (Cause)  
Mander v. Wombwell (M D)  
Davies v. Chance (M D)  
Furber v. Meakin (F C)  
Woodward v. Woodward (F C, part heard)  
Goad v. Browne (M D)  
Goad v. Browne (M D)  
Silvester v. Silvester (M D)  
Colls v. Gedye (M D)  
Holder v. Ramsbottom (M D)  
Wetton v. Wildgoose (M D)  
Webb v. Saul (M D)  
Healop v. Magnay (M D)  
Harding v. Martin (Cause)  
Swainston v. Clay (M D)  
Lovell v. Kerr (Cause)  
Smith v. Hartland (F C)  
Selby v. Bowie (M D)  
Smith v. Smith (M D)  
Lipcombe v. Gottfried (M D)  
Wilson v. Tally (M D)  
Catherall v. Davies (F C)  
Adams v. Swarder (Cause)  
Phillot v. Conolly (M D)  
Little v. Haldns (M D)  
Mallock v. Still (M D)  
Roberts v. Jones (M D)  
Smith v. Berry (M D)

*Before the Vice-Chancellor Sir W. P. WOOD,*

## CAUSES, &amp;c.

Weatherley v. Ross (F C, part heard)  
Dundas v. Murray (M D)  
Rofe v. Perry (M D)  
Giles v. Thomas (Cause)  
Burke v. Eyre (Cause)  
Sharp v. Ferrand (M D)  
Grundy v. Heathcote (Cause)  
Wedderburne v. Lewellin (M D)  
Fraser v. Fraser (Sp C)  
Tennick v. Moffitt (M D)  
Johnson v. Norrington (M D)  
Jackson v. Twells (M D)  
Tottenham v. Green (Cause)  
Parsons v. North (M D)  
Spaight v. Cowne (Cause)  
Reith v. Whitmore (Cause)  
Croskey v. European & American Steam Shipping Co. (Limited) (Cause)  
Oakford v. European & American Steam Shipping Co. (Limited) (Cause)  
Edwards v. Spaight (M D)  
Knox v. Gye (M D)  
Rhodes v. Rhodes (M D)  
Stedman v. Chapman (M D)  
Sotcher v. Purvis (Cause)  
Earl of Egmont v. Rev. Sir W. L. Darrell, Bart. (Cau.)  
Garrod v. Holmes (F C)  
Puxley v. Puxley (F C)  
Tompsett v. Harmer (F C)  
Topping v. Searson (F C)  
Hutchinson v. Smith (F C)  
Wyman v. Mason } (F C)  
Mason v. Wyman }  
Coe v. Bigg (F C)  
Gall v. Dearn (F C)  
Wylie v. Wylie } (F C)  
Wylie v. Enchin }  
Fuller v. Chanier (F C)  
Godyear v. Sebridgt (F C)  
Royds v. Royds (F C)  
Hogge v. Lindsell (M D)  
Wickham v. Harding (Cause)  
Bilton v. Thomas (F C)  
Almack v. Horn (Sp C)  
Bowker v. Henry (Cause)  
Chambers v. London, Chatham, and Dover Railway Co. (M D)  
Leather Cloth Co. (Limited) v. American Leather Cloth Co. (Limited) (M D)  
Leather Cloth Co. (Limited) v. Hirschfeld (M D)  
Hunt v. Tween (F C)  
Perry v. Butler (M D)  
Harvey v. Bulkeley, Bart. (F C)  
Shreeve v. Shreeve (F C)  
Fairfax v. Baron Herries (M D)  
Brown v. Stockton and Darlington Railway Co. (F C)  
Radford v. Boys (M D)  
Jones v. Jones (M D)  
Weeks v. Cowel (M D)

Bell v. Johnson (M D)  
Taylor v. Ifill (F C)  
Thackeray v. Parker (F C)  
Robson v. Leetham (M D)  
Simons v. Pollard (M D)  
Harrison v. Thomas (M D)  
Bishop of Exeter v. Shuttle (M D)  
Hughes v. Jones (Further hearing after issue at law)  
Mulleneux v. Ellison (Sp C)  
Gough v. Prior (M D)  
Wilson v. Harrison (M D)  
Buchanan v. Harrison (F C)  
Cory v. Thames Iron-work Ship-building Co. (Limited) (M D)  
Blakeley v. Blakeley (F C)  
Bunfield v. Shiers (Cause)  
Coaser v. Radford (M D)  
Pentifex v. Marks (M D)  
Allin v. Harris (F C)  
Spaight v. Rymer } (F C, In re Jepson } Ptn)  
Lee v. Lee (M D)  
Davies v. Huguenin (M D)  
Buckley v. West (Sp C)  
Perez v. Pinto (Cause, P C)  
Allen v. Cross (M D)  
Corns v. Trow (M D)  
Lucas v. Clarke (M D)  
Street v. Street (F C)  
Harries v. Harries (M D)  
Williams v. Jones (F C)  
Janson v. Rider (M D)  
Hodgson v. Earl of Bective (M D)  
Scholefield v. Lockwood (M D)  
Marriott v. Marriott (Cause)  
Webster v. Stoton (M D)  
Weld v. London and South-western Railway Co. (Cau.)  
Kidwelly and Llanelly Canal and Tramroad Co. v. Mason (M D)  
Sharples v. Adams (Cause)  
Gould v. Gould (M D)  
Harries v. Roberts (M D)  
Latham v. Roby (F C)  
Williams v. Williams (Cause)  
Foster v. Gladstone (M D)  
Maughan v. Maughan (M D)  
Wells v. Manners (M D)  
Cawley v. Poole (Cause)  
Williams v. Mawdesley (Cau.)  
Peacock v. Gibson (M D)  
Lee v. Taylor (F C)  
Wormald v. Jacob (F C)  
Chapman v. Harris (Sp C)  
Palairat v. Carew (M D)  
Wombell v. Cookney (M D)  
Duncombe v. Busk (M D)  
Puttock v. King (M D)  
Vachell v. Roberts (M D)  
Marquis of Bute v. Taff Vale Railway Co. (M D)  
Maughan v. Ridley (M D)  
Bainbridge v. Kinnaird (M D)  
Penrice v. Leatherdale (F C).

CADBY, GEORGE FREDERICK, Hydes-place, Canonbury-square, Islington, out of business, Jan. 27. Off. Ass. Stanfield; Sol. Stoddart, 21, Arboer-street East, Stepney.—Pet. f. Jan. 8.

CLARK, WILLIAM JAMES, Barking, wheelwright, Jan. 29. Off. Ass. Graham; Sols. Preston & Co., 15, Gresham-street.—Pet. f. Jan. 5.

COLLIER, RICHARD NELSON, Chatham, clerk, Jan. 27. Off. Ass. Carran; Sol. Peeverly, 19, Coleman-street.—Pet. f. Jan. 9.

COOPER, JACOB, Harmond-street, Hampstead-road, dairyman, Jan. 27. Off. Ass. Carran; Sol. Dobson, 1, James-street, Adelphi.—Pet. f. Jan. 9.

EDWARDS, WILLIAM MILNE, Mark-lane, wine merchant, Jan. 27. Off. Ass. Stanfield; Sols. Lawrence & Co., 12, Bread-street.—Pet. f. Jan. 7.

HEATE, RICHARD, Brighton, livery-stable keeper, Jan. 29. Off. Ass. Graham; Sols. Goodman, Brighton; Nichols & Co., 9, Cook's-court, Lincoln's-inn.—Pet. f. Jan. 8.

KINGTON, THOMAS YALE, Hertford, surveyor, Jan. 27. Off. Ass. Edwards; Sols. Mason & Co., 7, Gresham-street.—Pet. f. Jan. 7.

MARKELL, JOSEPH, Prebend-street, New North-road, Islington, milliner, Jan. 27. Off. Ass. Edwards; Sol. Peeverly, 19, Coleman-street.—Pet. f. Jan. 7.

MILES, HENRY, Trinity-street, Liverpool-road, Islington, out of employ, Jan. 29. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 10.

MORTIMORE, GEORGE, Church-street, Chelsea, baker, Jan. 27. Off. Ass. Edwards; Sols. Reed & Co., 1, Guildhall-chambers.—Pet. f. Jan. 8.

OSBORNE, GEORGE ALEXANDER, Bartholomew-close, and Jacob's Well-court, Barbican, bonnet manufacturer, Jan. 27. Off. Ass. Edwards; Sol. Wells, 47, Moorgate-street.—Pet. f. Jan. 6.

PEARCE, FRANCIS, Deptford, out of business, Jan. 27. Off. Ass. Edwards; Sol. Drew, 4, New Basinghall-street.—Pet. f. Jan. 2.

PEET, THOMAS, Thomas-street, Oxford-street, publican, Jan. 27. Off. Ass. Carran; Sol. Johnson, 19, Arundel-street, Strand.—Pet. f. Jan. 8.

PINCHER, RICHARD, Somerset-terrace, Merton-road, Wandsworth, out of business, Jan. 27. Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 9.

ROBINSON, ALFRED, Gray's-terrace, Dover-road, Southwark, gentleman, Jan. 21. Off. Ass. Graham; Sol. Peddell, 92, Cheapside.—Pet. f. Jan. 8.

ROSE, JOHN, Barbican, cap manufacturer, Jan. 27. Off. Ass. Graham; Sol. Murray, 20, Great St. Helen's.—Pet. f. Jan. 7.

TAYLOR, WILLIAM, Watney-street, Commercial-road East, cab driver, Jan. 27. Off. Ass. Edwards; Sol. Jukes, 19, Basinghall-street.—Pet. f. Jan. 8.

VAILL, WILLIAM STRAFOED, Uxbridge, newspaper reporter, Jan. 27. Off. Ass. Stanfield; Sols. Smith, Reading; Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. Jan. 8.

WEBSTER, ADAM BRUCE, Kennington-oval, Lambeth, commission traveller, Jan. 27. Off. Ass. Stanfield; Sol. Bickley, 32, King William-street.—Pet. f. Jan. 10.

WHITNEY, JOHN WRIGHT, Cambridge and Huntingdon, butcher, Jan. 27. Off. Ass. Stanfield; Sols. Eyre & Co., 1, John-street, Bedford-row.—Pet. f. Jan. 9.

WINCHESTER, JOHN, King's-road, Chelsea, plumber, Jan. 27. Off. Ass. Edwards; Sol. Voules, 16, Gresham-street.—Pet. f. Jan. 8.

### To be heard in the Country.

ALLAN, JOHN, Normanby, near Middlesborough, Yorkshire, joiner, Jan. 26, Leeds. Off. Ass. Carrick; Sol. Mason, York.—Pet. f. Jan. 8.

ALLISON, GEORGE, Barkston Ash, Yorkshire, blacksmith, Jan. 26, Tadcaster. Off. Ass. Bickers; Sol. Harle, Leeds.

ALWAY, ELIZABETH, Bristol, licensed victualler, Jan. 30, Bristol. Off. Ass. Harley; Sol. Ayle.—Pet. f. Jan. 7.

AMBROSE, JAMES, Leeds, railway guard, Jan. 27, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Jan. 7.

ANTCLIFF, ROBERT JOHNSON, Gringley-on-the-Hill, Nottinghamshire, licensed baker, Jan. 26, East Retford. Off. Ass. Newton; Sol. Marshall, East Retford.—Pet. f. Jan. 10.

ATKINSON, THOMAS, Durham, publican, Jan. 26, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. Jan. 6.

BALAM, THOMAS, Ipswich, dealer in coal, Jan. 22, Ipswich. Off. Ass. Proymann; Sol. Moore, Ipswich.—Pet. f. Jan. 7.

BAYLEY, THOMAS, Darlington, Staffordshire, beer-house keeper, Jan. 27, Walsall. Off. Ass. Clarke; Sol. Watson, West Bromwich.

BELL, JOHN, Carlisle, bootmaker, Jan. 20, Carlisle. Off. Ass. Halton; Sol. Wainop, Carlisle.—Pet. f. Jan. 8.

BEX, WILLIAM, Brighton, Jan. 28, Brighton. Off. Ass. Everahed; Sol. Goodman, Brighton.—Adj. Dec. 18.

BLACKBURN, WILLIAM, Wash-upon-Dearne, Yorkshire, butcher, Jan. 26, Sheffield. Off. Ass. Young; Sol. Binney, Sheffield.—Pet. f. Jan. 9.

BLACKMAN, HENRY, Southampton, baker, Feb. 4, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Jan. 8.

BRICE, JOSEPH, Freme, Somersetshire, baker, Jan. 23, Bristol. Off. Ass. Miller; Sols. Bevan & Co., Bristol.—Pet. f. Jan. 2.

COWSON, MATTHEW, Hexham, Northumberland, butcher, Jan. 24, Hexham. Off. Ass. Stokes; Sol. Taylor, Hexham.—Pet. f. Jan. 7.

COX, FREDERICK, West Woodhay, Berkshire, tailor, Jan. 28, Hungerford. Off. Ass. Astley; Sol. Cave, Newbury.—Pet. f. Jan. 10.

DANES, THOMAS, Dudley, Worcestershire, stationer, Jan. 30, Birmingham. Off. Ass. Kinneer; Sol. Smith, Birmingham.—Pet. f. Jan. 9.

DOWING, FREDERICK, Stowmarket, Suffolk, fishmonger, Jan. 29, Stowmarket. Off. Ass. Archer; Sol. Fuller, Stowmarket.—Pet. f. Jan. 8.

DUNDELL, WILLIAM, Liverpool, timber merchant, Jan. 27, Liverpool. Off. Ass. Turner; Sol. Duke.—Pet. f. Jan. 3.

EDWARDS, JANE, Barnstaple, Devonshire, draper, Jan. 26, Barnstaple. Off. Ass. Benesart; Sol. Benesart, Barnstaple.—Pet. f. Jan. 6.

ELLIS, WILLIAM, Knaresborough, Yorkshire, butcher, Jan. 24, Knaresborough. Off. Ass. Gill; Sol. Harle, Leeds.—Pet. f. Jan. 8.

FORSTER, JOHN, Liverpool, grocer, Jan. 23, Liverpool. Off. Ass. Hime; Sol. Pemberton, Liverpool.—Pet. f. Jan. 7.

GLASS, WILLIAM, Stafford, printer, Jan. 30, Stafford. Off. Ass. Spilbury; Sol. Bowen, Stafford.—Pet. f. Jan. 8.

GOWLAND, GEORGE, Northallerton, Yorkshire, farmer, Jan. 22, Northallerton. Off. Ass. Jefferson; Sol. Harle, Leeds.—Pet. f. Jan. 6.

GRIFFIN, GEORGE WILLIAM, St. Helens, hatter, Jan. 27, Liverpool. Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. Jan. 9.

GRIFFITHS, DAVID, Walsall, Staffordshire, saddler, Jan. 27, Walsall. Off. Ass. Clarke; Sol. Barnett, Walsall.

GRIFFITHS, SAMUEL, Wolverhampton, Staffordshire, iron manufacturer, Jan. 28, Birmingham. Off. Ass. Whitmore; Sols. Price, Stourbridge; Hodgson & Co., Birmingham.—Pet. f. Aug. 27.

HAMLET, JOHN, Lichfield, architectural draughtsman, Jan. 23, Lichfield. Off. Ass. Birch; Sol. Dingnan, Walsall.—Pet. f. Jan. 9.

HARDON, EDWIN, Stockport, Cheshire, power-loom cloth manufacturer, and Manchester, commission agent, Jan. 27, Manchester. Off. Ass. Fraser; Sols. Cooper & Co., Manchester.—Pet. f. Jan. 8.

HARGREAVES, HENRY WILLIAM, Bolton, Lancashire, draper's assistant, Jan. 28, Bolton. Off. Ass. Holden; Sol. Richardson, Bolton.—Pet. f. Jan. 10.

HAYNES, WILLIAM, Hinckley, Leicestershire, ribbon dealer, Jan. 26, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. Jan. 7.

HAYWARD, RICHARD, Dawley, Shropshire, grocer's assistant, Feb. 14, Madeley. Off. Ass. Potts; Sol. Walker, Wolverhampton.—Pet. f. Jan. 6.

HOOPER, GEORGE, Droitwich, Worcestershire, bootmaker, Jan. 26, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. Jan. 9.

LEICESTER, JOHN, Manchester, warehouseman, Jan. 24, Salford. Off. Ass. Hulton; Sol. Seddon, Manchester.—Pet. f. Jan. 9.

LLOYD, DAVID, Machin, Monmouthshire, tailor, Jan. 23, Bristol. Off. Ass. Acraman; Sol. Prideaux, Bristol.—Pet. f. Jan. 3.

LOCKWOOD, THOMAS JOSEPH, Sheffield, coal merchant, Jan. 26, Sheffield. Off. Ass. Young; Sols. Parker & Co., Sheffield.—Pet. f. Jan. 9.

M'ADAM, ROBERT KILBY, Wakefield, Yorkshire, out of business, Jan. 24, Wakefield. Off. Ass. Mangan; Sols. Janson & Co., Wakefield.—Pet. f. Jan. 9.

M'KNIGHT, ROBERT ALEXANDER, Liverpool, licensed victualler, Jan. 27, Liverpool. Off. Ass. Morgan; Sol. Harris, Liverpool.—Pet. f. Jan. 9.

MARKEW, JOHN, Ogley Hay, Staffordshire, licensed victualler, Jan. 23, Lichfield. Off. Ass. Birch; Sol. Beaton, Birmingham.—Pet. f. Jan. 9.

MARSH, JOHN, Salford, Lancashire, lodge keeper, Jan. 24, Salford. Off. Ass. Hulton; Sol. Stiles, Manchester.—Pet. f. Jan. 9.

MICHELL, HENRY, Probos, Cornwall, miller, Jan. 28, Exeter. Off. Ass. Hirtzel; Sol. Hirtzel, Exeter.—Pet. f. Jan. 8.

MILLS, JAMES, Prestwich, Lancashire, commercial traveller, Jan. 24, Salford. Off. Ass. Hulton; Sol. Heald, Manchester.—Pet. f. Jan. 6.

MOORE, THOMAS, South Shore, Lancashire, beer-house keeper, Jan. 28, Poulton. Off. Ass. Patteson; Sol. Brierley, Blackpool.—Pet. f. Jan. 8.

PULLEN, SAMUEL BRAIN, Bristol, grocer, Jan. 30, Bristol. Off. Ass. Harley; Sol. Miller, Bristol.—Pet. f. Jan. 8.

PULLINGER, JOHN MARVIN, Birmingham, railway clerk, Feb. 2, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Jan. 8.

ROGERS, WILLIAM, Altrincham, Cheshire, grocer, Jan. 27, Manchester. Off. Ass. Herniman; Sol. Whitlow, Manchester.—Pet. f. Jan. 8.

ROWE, JAMES, Manchester, house agent, Jan. 24, Salford. Off. Ass. Hulton; Sol. Taylor, Manchester.—Pet. f. Jan. 9.

SIMM, JOHN (and not SIMON, as before advertised), Wigan, Lancashire, beer retailer, Jan. 20, Wigan. Off. Ass. Part; Sol. Swan, Manchester.—Pet. f. Dec. 31.

SIMPSON, JOHN, Liverpool, commercial traveller, Jan. 27, Liverpool. Off. Ass. Hime; Sol. Eddy, Liverpool.—Pet. f. Jan. 10.

SIXSMITH, JOHN, Salford, Lancashire, licensed retailer of ale, Jan. 24, Salford. Off. Ass. Hulton; Sol. Stiles, Manchester.—Pet. f. Jan. 8.

SOLLOWAY, EDWARD, Stafford, provision dealer, Jan. 30, Stafford. Off. Ass. Spilbury; Sol. Hinds, Stafford.—Pet. f. Jan. 10.

SUTTON, JOHN, Leicester, toll farmer, Jan. 27, Nottingham. Off. Ass. Harris; Sol. Haxley, Leicester.—Pet. f. Jan. 9.

TAYLOR, ROBERT, Chesterfield, Derbyshire, coach painter, Jan. 27, Chesterfield. Off. Ass. Wake; Sol. Cuth, Chesterfield.—Pet. f. Jan. 9.

TURNER, REV. CHARLES, Moreton Morrell, Warwickshire, clerk, Jan. 26, Birmingham. Off. Ass. Kinneer; Sols. Haynes & Co., Warwick; James & Co., Birmingham.—Pet. f. Jan. 10.

WEBBER, RICHARD, Chulmleigh, Devonshire, butcher, Jan. 26, South Molton. Off. Ass. Croose; Sol. Shapland, South Molton.—Pet. f. Jan. 7.

WHARAM, DANIEL, Kingston-upon-Hull, out of business, Jan. 19, Hull. Off. Ass. Phillips; Sol. Chester, Hull.—Pet. f. Jan. 5.

WIGGINS, FREDERICK COLTHURST, Nottingham, printer, Jan. 27, Nottingham. Off. Ass. Harris; Sol. Danks, Nottingham.—Pet. f. Jan. 10.

YATES, RICHARD, Over Darwen, Lancashire, beer seller, Jan. 26, Blackburn. Off. Ass. Bolton; Sol. Clough, Blackburn.—Pet. f. Jan. 8.

YOUNG, JAMES, Manchester, out of business, Jan. 27, Manchester. Off. Ass. Herniman; Sols. Higson & Co., Manchester.—Pet. f. Jan. 9.

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## CONTENTS.

London Gazettes .....	18
Leading Article .....	19
Reviews .....	21
Books Received .....	22
Public Examination of Students .....	22

## NAMES OF THE CASES REPORTED.

## COURT OF CHANCERY.

By J. T. HORWOOD, Barrister at Law.

Turnbull v. Woolfe.—(Mutual insurance society—Construction of rules of).....	57
--	----

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

In re Sheppard.—(New trustees—Contingent interest) 59	
---	--

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Dickinson v. Teasdale.—(Charge of debts—Express trust—Statute of Limitations—Payment of interest).....	60
--	----

Winkworth v. Winkworth.—(Practice—Payment out of court—Applications at chambers).....	61
---	----

Baker v. The Metropolitan Railway Company.—(Specific performance—Railway company—Time for completion—8 & 9 Vict. c. 18, s. 9) .....	61
---	----

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

Patch v. Shore.—(Voluntary deed—Will—Revocation—Execution of power—Assets) .....	63
--	----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

In re Graydon's Estate.—Saunders v. Rotherham and Another.—(Will—Administration by summons—Trust for sale of estate, except leasehold house—Direction for carrying on business—Residuary legatees not entitled to immediate sale—Manager, employment of).....	66
---	----

Harris v. Pettit and Others.—(Assignment for benefit of creditors—Bankruptcy of assignor—Bankruptcy Act, 1849) .....	68
--	----

Seaton and Others v. Staniland and Others.—(Lease by an infant approved by the Master—Bill by lessees to rectify, dismissed) .....	69
--	----

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

Gladstone and Others v. Musurus Bey and Others.—(Jurisdiction—Fund in medio—Ambassador—Foreign sovereign).....	71
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## COURT OF QUEEN'S BENCH.

By C. W. LOVETT, Barrister at Law.

Reg., on the Prosecution of the Local Board of Health of the District of the Borough of Newport, Repps., The Newport Dock Company, Apprs.—(Local Government Act, 1858 (21 & 22 Vict. c. 98), s. 55—General district rate—Docks—"Land covered by water"—"Railway for public conveyance").....	73
Macfarlane v. Norris.—(Mutual credit—Set-off—Scotch bankruptcy law—Lex fori—Lex loci contractus) .....	74
Glover, App., Booth, Resp.—(Appeal from justices, under the 20 & 21 Vict. c. 43—Costs) .....	76

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Strugnell v. Friedrichsen.—(Charterparty—Accident—Election of shipowner—Unshipping cargo) ....	77
Bruff v. Conybeare.—(Evidence—Admissibility of surrounding circumstances—Latent ambiguity—Evidence of conversation between the parties before the agreement was made—New trial) .....	78

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Parr v. Lillierap and Another.—(Practice—Costs—County court jurisdiction—Sum under 20l.—Payment into court—Meaning of "recovered" in sect. 11 of stat. 13 & 14 Vict. c. 11) .....	80
Hardman and Others v. Booth.—(Elements of contract of sale—Conventio in unum—Ambiguous name—Troyer) .....	81

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. E. BROWNING, Barrister at Law.

Windham v. Windham and Giuglini.—(Amendment—Pleading) .....	82
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## COURT OF ARCHBISHOPS.

By DR. MIDDLETON.

Gough and Cartright v. Jones.—(Church rate—Parish subdivided—New parishes—19 & 20 Vict. c. 104, ss. 14, 15) .....	82
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## COURT OF PROBATE.

By DR. MIDDLETON.

In the Goods of P. R. Wyckoff, Deceased.—(Administration ad colligendum—Foreigner—Practice) ..	84
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## THE JURIST.

LONDON, JANUARY 24, 1863.

THE Court of Common Pleas has given judgment against the plaintiff in *Kennedy v. Broun* (alias Swinfen). As this will, doubtless, be a leading case on the important subject of the duties and rights of advocates, it is well deserving the attention of the Profession.

That an advocate cannot maintain an action at law or suit in equity to recover compensation for his services as such, is an elementary proposition with which every lawyer and every law student is familiar. It has, however, become customary with many to speak of this inability as being no part of the law of the land, but merely a rule of professional etiquette; and certain dicta of judges have been relied on to shew that the rule does not hold when there has been a *special contract* for those services between the advocate and the client. Mr. Kennedy's action against his quondam client Mrs. Broun, was founded on this notion,

which was defended by him before the Court of Common Pleas with great ingenuity and learning, including quotations from early works in our law, as well as several from the Roman law and history. The Court, however, in giving judgment, say, "We consider that a promise by a client to pay money to a counsel for his advocacy, whether made before, or during, or after the litigation, has no binding effect; and, furthermore, that the relation of counsel and client renders the parties mutually incapable of making any legal contract of hiring and service concerning advocacy in litigation." And having shewn that the dicta in question are either absurd or distinguishable, and that Mr. Kennedy's authorities, English or Roman, did not bear out his argument, the Court finally observed, "A special contract differs from an implied contract only in the mode of proof. . . . The incapacity depends on the subject-matter of the contract, not on the mode of proof. When the contract is proved, its incidents are the same, whatever was the kind of evidence adduced for proof. If there is incapacity, words and implication are alike nullities, and no contract can result."

So much for the law of the case. As to the conduct of the parties to the suit, we have nothing to do with that of the *defendant*. It is possible that, on some principle invisible to us, Mrs. Broun may be justified in reaping the full benefit of Mr. Kennedy's invaluable services, while refusing him all pecuniary compensation, while either in the shape of honorarium or merces; or she may belong to the too common and well-known category of ungrateful clients. And if Mr. Kennedy's assertion is true, that during the progress of the cause of *Swinfen v. Swinfen* the relation of lovers—which, as he is a married man, must have been an improper, if not an adulterous one—was superadded to that of counsel and client, and ended, as relations of the kind commonly do, in mutual disgust and animosity, an additional reason is supplied for declining speculation on the motives of Mrs. Broun. But the *plaintiff*, as a member of the Bar, stands in a very different position. The light in which he appeared for years,—as the able and intrepid advocate of a defenceless female, whose rights were supposed to have been compromised by the misconduct of her former counsel—one of the highest and most talented in the Profession—; and who, regardless of consequences or prejudice to himself, publicly attacked not only the conduct of that counsel, but also the conduct of the eminent judge before whom her cause was tried, as improperly holding private communication to her prejudice;—has vanished for ever; and he now stands before the world as having obtained from that client a deed securing the modest sum of *twenty thousand pounds* as compensation for his services, and bringing an action at law against her, based on the supposed contract of retainer. Nor is this all. The judgment of the Court of Common Pleas has determined that he had not even the technical law on his side—that as an advocate he stood in the position of any other advocate, and had no legal remedy for his honorarium. Moreover Erle, C. J., in delivering the judgment of the Court, when replying to the arguments of Mr. Kennedy drawn from the Roman law, observes, *inter alia*, that at one period in the history of that people, "Sicilius, an advocate of singular infamy, offered some of the arguments which have been urged in support of mercenary advocacy;" and in another place says, "In this case the advocate, by disclosing words of intimate confidence, which passed in moments of helpless anxiety, has raised the phantom of a contract for a sum of monstrous amount; and of this we hope we may say, that there is no one in the profession of the plaintiff who would be willing to accept from him this verdict of 20,000*l.* as a gift." All this forms a miserable epilogue to the great cause of *Swinfen v. Swinfen*, and gives a death-blow to its romance.

We are truly sorry for the fall of Mr. Kennedy. He is well known as one of the most accomplished scholars in England, and is a man of great learning in his Profession, as well as an able and fearless advocate. But his wretched action against Mrs. Broun, coupled with his conduct during the progress of the case of *Swinfen v. Swinfen*, adds another to the disgraceful scandals in the Profession of the Bar which have lately come

before the public. With his conduct, and that of Mr. Edwin James, late Q. C. and M. P., Mr. Digby Seymour, Q. C., M. P., Mr. Serjeant Glover, &c. before our eyes, we cannot conclude without asking, in sober sadness, how many more of such scandals shall we be compelled to notice? Are the final days of the honour and high character of the English Bar really come? If they are not, they cannot be far distant, unless a vigorous stand is made against the principles and practices which are fast tending to bring about its destruction. In the words of the poet—

"Hic locus est, partes ubi se via findit in ambas:  
Dextera, quæ Ditis magni sub moenia tendit,  
Hæc iter Elysium nobis; at læva malorum  
Exercet pœnas, et ad impia Tartara mittit."

*Æneid.* lib. 6, v. 540.

Is the Bar in this country for the future to be a "noble calling or a pettifogging trade?" To those who wish to make it the latter, we have nothing to say; to all others we commend an attentive study of the following language of the Court of Common Pleas, in this case of *Kennedy v. Broun*:—"The incapacity of the advocate, in litigation, to make a contract of hiring, affects the integrity and dignity of advocates, and so is in close relation with the highest of human interests—namely, the administration of justice. We are aware, that in the class of advocates, as in every other numerous class, there will be bad men taking the wages of evil, and therewith also, for the most part, the early blight which awaits upon the servants of evil. We are aware also, that there will be many men of ordinary powers performing ordinary duties, without praise or blame; but the advocate entitled to permanent success must unite high powers of intellect with high principles of duty; his faculties and acquirements are tested by a ceaseless competition proportioned to the prizes to be gained—that is, wealth and power and honour without, and active exercise for the best gifts of mind within. He is trusted with interests, and privileges, and powers almost to an unlimited degree. His client must trust to him at times for fortune, and character, and life. The law trusts him with a privilege, in respect of liberty of speech, which is, in practice, bounded only by his own sense of duty; and he may have to speak upon subjects concerning the deepest interests of social life, and the innermost feelings of the human soul. The law also trusts him with a power of insisting on answers to the most painful questioning, and this power again is in practice only controlled by his own view of the interests of truth. It is of the last importance that the sense of duty should be in active energy proportioned to the magnitude of these interests. If the law is, that the advocate is incapable of contracting for hire to serve, when he has undertaken an advocacy, his words and acts ought to be guided by a sense of duty—that is to say, duty to his client binding him to exert every faculty and privilege and power in order that he may maintain that client's right, together with duty to the Court and himself, binding him to guard against abuse of the powers and privileges intrusted to him by a constant

recourse to his own sense of right. If an advocate with these qualities stands by the client in time of his utmost need, regardless alike of popular clamour and powerful interest, speaking with the boldness which a sense of duty can alone recommend, we say the service of such an advocate is beyond all price to the client, and such men are the guaranties to communities for the maintenance of their dearest rights, and the words of such men carry a wholesome spirit to all who are influenced by them. Such is the system of advocacy intended by the law requiring the remuneration to be by gratuity; but if the law allowed the advocate to make a contract of hiring and service, it may be that his mind might be lowered, and that his performance would be guided by the words of his contract, rather than by principles of duty; that words sold and delivered according to contract, for the purpose of earning hire, would fail of creating sympathy and persuasion in proportion as they were suggestive of effrontery and selfishness, and that the standard of duty throughout the whole class of advocates might be degraded. It may also well be, that if contracts for hire could be made by advocates, an interest in litigation might be created, contrary to the policy of the law against maintenance, and the rights of attornies might be materially sacrificed, and their duties be imperfectly performed by unscrupulous advocates; and these evils, and others that may be suggested, would be unredeemed by a single benefit that we can perceive."

### Reviews.

*A Treatise of the Law of Bills of Exchange, Promissory Notes, Bank Notes, and Checks.* By Sir JOHN BARNARD BYLES, *Queen's Serjeant, now one of the Judges of her Majesty's Court of Common Pleas.* The Eighth Edition, with Notes from the Fourth American Edition. [Sweet, 1862.]

THIS is a new edition of a work, too well known and appreciated by the Profession to need commendation from us. The original Preface is retained, prefixed by the following advertisement:—"In preparing for the press the eighth edition, the author has to acknowledge his obligation to two gentlemen. He is indebted to the Hon. George Sharwood, of Pennsylvania, for valuable information derived from the fourth American edition of this work, edited by that eminent judge, and enriched with notes from his own pen. To the learning and accuracy of his friend Richard Couch, Esq., formerly of the Norfolk Circuit, and now one of the judges of her Majesty's High Court of Judicature at Bombay, he is also indebted for assistance in collecting the recent English authorities."

The division of the work is nearly the same as in the last edition; the only difference being, that the 36th and 37th chapters of that edition, headed respectively "Bankruptcy of parties to a bill or note," and "Effect of discharge under Insolvent Debtors' Act," are in the present edition thrown into one—a consolidation naturally following the Bankrupt and Insolvent Law Amendment Act, 24 & 25 Vict. c. 134, the sections of which bearing on the subject are inserted in the Appendix.

On the subject of half notes, we find the following passage at pp. 362-3, which is taken without altera-

tion from the preceding edition:—"A man who takes half a note, takes it necessarily under suspicious circumstances (Bayley, 879, 6th ed.), and cannot recover to the injury of the maker. But, where the holder sued on the half of a 5l. note, the other half having been stolen from the Leeds mail, Lord Ellenborough said, 'Payment can be enforced at law only by the production of an entire note, or by proof that the instrument, or the part of it which is wanting, has been actually destroyed. The half of this note taken from the Leeds mail, may have immediately got into the hands of a bonâ fide holder for value; and he would have had as good a right of suit upon that as the plaintiff has upon this. But the maker of a promissory note cannot be liable, in respect of it, to two parties at the same time.' (*Mayor v. Johnson*, 3 Camp. 324; *Mossop v. Eaden*, 16 Ves. 436). It is doubtful how far the argument, from the liability of the maker on the second half, would be held valid at this day." We observe, that no reference is made to the case of *Redmayne and Another v. Burton, Lloyd, & Co.* (2 Law T., N. S., 324). That was an action by the plaintiffs against the defendants, who were bankers, to recover the amount of certain notes, the halves of which were lost in their transmission through the post. Application having been made at chambers under the Common-law Procedure Act, 1854, sect. 87, that upon the plaintiffs giving an indemnity to the satisfaction of the Master, the defendants might be restrained from setting up as a defence the loss of the notes, Willes, J., said, "The law on this subject was much before the Court upon a recent case, and the matter is, therefore, fully before my mind. The application is made at the proper time, and the section applies to this case. The Bank of England, acting upon what may be called the Law Merchant, have always been in the habit of paying on an indemnity. My opinion is, that the defendants would be liable to pay without an indemnity, as any person taking a half note would take it with notice; but the plaintiff having offered an indemnity, let it be so. . . . The practice of cutting a negotiable instrument in half was recognised in a late case, where a person gave another a bill to get discounted, who, not having succeeded, returned it to the acceptor, and he tore it in half and threw it on the ground, the two halves were picked up, and got into the hands of a bonâ fide holder for value, who recovered." (See also *Smith v. Mundy*, 6 Jur., N. S., part 1, p. 977).

*Chitty's Archbold's Practice of the Court of Queen's Bench in Personal Actions and Ejectment, including the Common Pleas and Exchequer.* Eleventh Edition. By SAMUEL PRENTICE, Esq., Barrister-at-Law. In Two Volumes. 1862.

[Sweet; V. & R. Stevens, Sons, & Haynes.]

*Forms of Practical Proceedings in the Courts of Queen's Bench, Common Pleas, and Exchequer of Pleas; with Notes and Observations thereon.* By THOMAS CHITTY, Esq., of the Inner Temple. Ninth Edition. 1862.

[Sweet; V. & R. Stevens, Sons, & Haynes.]

THE first of the above works occupies much the same place in the present generation as Tidd's Practice did in the last. The book having reached an eleventh edition is a tolerable proof of this; and it is too well known, and its merit too fully recognised, to need much comment at our hands.

In the advertisement we are informed, that "the Common-law Procedure Act, 1860, the new enactments as to registering judgments and executions; the new act relating to attornies; the Bankruptcy Act, 1861, so far as it affects the practice of the superior courts; and all other enactments relating to the prac-

tice of such courts, are noticed in this edition. The 22 & 23 Vict. c. 63, the act for remitting cases for the opinion of Courts in her Majesty's dominions, will be found in part 13. The cases decided by the Courts down to the time of publication are referred to."

In part 13, here mentioned, we find the statute referred to, 22 & 23 Vict. c. 63. But there is another, of even greater importance, bearing on the same subject, namely, the 24 Vict. c. 11, intitled "An Act to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within her Majesty's Dominions." This latter statute is only slightly noticed, and that in a note at p. 1752. We think it might have been set out with advantage.

More should have been said in this book relative to the power of a judge at Nisi Prius to discharge the jury in the event of their not agreeing, &c. *Reg. v. Charlesworth* (1 B. & S. 460) contains almost all the law on this subject, and although a criminal case might have been cited with advantage.

The latter of these works is a well-known collection of forms, and usually accompanies the former. The cases referred to in the notes being very numerous, it appears to us that a table of them would be an improvement.

### BOOKS RECEIVED.

An Essay on Waste, Nuisance, and Trespass, chiefly with reference to Remedies in Equity, treating of the Law of Timber, Mines, Lights, Water, Support, the Construction of Public Works, &c. By George V. Yool, M.A., of Lincoln's-inn, Barrister-at-Law, late Fellow of Trinity College, Cambridge. Post 8vo., pp. 298.—Maxwell.

The Merchant Shipping Amendment Act, 1862 (25 & 26 Vict. c. 63), with an Introductory Analysis, an Appendix, containing the Statute and incorporated Provisions of antecedent Acts, a Digest of Cases of Salvage and Collision, with reference to the newly extended Jurisdiction, Practical Forms, and a Copious Index. By James O'Dowd, Esq., of the Middle Temple, Barrister-at-Law, and Assistant Solicitor for the Merchant Shipping Department of her Majesty's Customs.—Butterworths, London; and Hodges, Smith, & Co., Dublin. 1863.

Reformatory Treatment defended. A Paper by Matthew Davenport Hill, Esq., Q. C., Recorder of Birmingham, read at a General Meeting of the Society for Promoting the Amendment of the Law, on Monday, January 12, 1863, and ordered to be printed.

Crime and Criminals. Is the Gaol the only preventive? By Alexander Pulling, Esq., of the Inner Temple, Barrister-at-Law, author of "A Treatise on the Laws of London," &c.—V. & R. Stevens, Sons, & Haynes. 1863.

The Bleach and Dyeworks Act of 1860, with Explanatory Notes (revised and extended), together with the Bleachworks Act of 1862, and an Appendix, containing Tables of the Legal Hours of Labour, an Abstract of the various Offences under the above Acts, and the Penalties applicable to each; together with all the requisite Forms, and a full Index. By Henry Carne Oats, Esq., Barrister-at-Law. Second edition.—V. & R. Stevens, Sons, & Haynes. 1863.

The Vice-Chancellor of the county palatine of Lancaster has appointed Charles John Allen, of No. 20, Bedford-row, attorney-at-law, to be a Commissioner to take and swear affidavits to be made use of in any of the courts of the county palatine of Lancaster.

### PUBLIC EXAMINATION OF STUDENTS.

#### HILARY TERM, 1863.

At the public examination of students of the Inns of Court, held at Lincoln's Inn Hall, on the 8th, 9th, and 10th January, 1863, the Council of Legal Education awarded to—

William Grantham, Esq., student of the Inner Temple, a studentship of fifty guineas per annum, to continue for a period of three years.

Arthur M. Channell, Esq., student of the Inner Temple; James Marshall Moorsom, Esq., student of the Inner Temple; Bruce Campbell, Esq., student of the Inner Temple; and Frederick Whitting, Esq., student of Lincoln's-inn, certificates that they have satisfactorily passed a public examination.

By order of the Council,

(Signed) WESTBURY, C., Chairman.

Council Chamber, Lincoln's-inn,

Jan. 16, 1863.

COUNTY COURT JUDGES.—Sir John E. Eardley Wilmot, judge of the Circuit No. 54 (Bristol, &c.), has been transferred to Circuit No. 43 (Marylebone, &c.), vacant by the decease of J. L. Adolphus, Esq.; W. H. Willes, Esq., Judge of Circuit No. 1 (Northumberland, &c.), replaces Sir John E. Eardley Wilmot in Circuit No. 54; and W. Blanshard, Esq., of the Northern Circuit, has been appointed to Circuit No. 1, in place of Mr. Willes.

SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.—A meeting of this society took place at its rooms, 3, Waterloo-place, Pall-mall, on Monday, the 12th January, J. E. Johnson, Esq., in the chair, when a committee was nominated to consider and report on "The Treatment and Punishment of convicted Criminals." A paper by Mr. M. D. Hill, Recorder of Birmingham, intitled "Reformatory Treatment defended," was read (in the absence of the author) by the Secretary. A discussion followed, in which Mr. T. J. Arnould, Mr. Vaughan, Mr. Edgar, Mr. Pulling, Mr. Hastings, and the Chairman took part.

WYVILL, ABRAHAM, Birmingham, photographic artist, Jan. 30, Birmingham. Off. Ass. Whitmore; Sol. Parry, Birmingham.—Pet. f. Jan. 12.

WOOD, JOHN, Fullog House, Glamorganshire, Jan. 30, Bristol. Off. Ass. Miller; Sol. Britton, Bristol.—Adj. Jan. 9.

WOODHEAD, WILLIAM, Bradford, Yorkshire, stuff finisher, Jan. 30, Bradford. Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. Jan. 13.

#### BANKRUPTCIES ANNULLED.

FLYNN, WILLIAM, Cardiff, Glamorganshire, draper.

HEATH, ROBERT MUDGE, St. John's-hill, Battersea Rise, Surrey, out of business.

#### TUESDAY, Jan. 20.

##### BANKRUPTS.

##### To be heard in London.

ASHCROFT, WILLIAM, Well-street, Wellclose-square, tobacconist, Feb. 3. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 15.

BAKER, EDWIN, Woolwich, reporter, Feb. 3. Off. Ass. Stansfeld; Sol. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. Jan. 16.

BATLEY, HENRY JOHN, Cleveland-street, Fitzrov-square, butcher's assistant, Feb. 5. Off. Ass. Graham; Sol. Dubois, 56, Coleman-street.—Pet. f. Jan. 17.

BENNETT, HENRY, Princes-street, Kensington, out of business, Feb. 3. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 15.

BLANNERHASSETT, EDWARD, Tonbridge, Kent, surgeon, Feb. 10. Off. Ass. Stansfeld; Sol. Sole & Co., 68, Aldermanbury.—Pet. f. Jan. 19.

BURROWS, THOMAS, Harley-street, Cavendish-square, lodging-house keeper, Feb. 5. Off. Ass. Graham; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Jan. 17.

CARTER, JOSEPH, Gresham-place, Brixton, builder, Feb. 5. Off. Ass. Graham; Sol. Pook, 27, Basinghall-street.—Pet. f. Jan. 14.

CHILDS, JOHN, Hoddesden, Hertfordshire, baker, Feb. 5. Off. Ass. Graham; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. Jan. 15.

CLARK, CHARLES, Trinity-terrace, Borough, boiler's assistant, Feb. 3. *Off. Ass. Graham; Sol. Wetherfield, 35, Moorgate-street.*—*Pet. f. Jan. 16.*

FISLAT, ALEXANDER HENRY, Wellington-crescent, Ramsgate, Kent, merchant's clerk, Feb. 3. *Off. Ass. Edwards; Sols. Atkinson & Co., 51, Bedford-row.*—*Pet. f. Jan. 15.*

FIRMIN, JOHN CALVES, Weeley, Essex, grocer, Feb. 5. *Off. Ass. Graham; Sol. Jones, Colchester.*—*Pet. f. Jan. 12.*

HARROISE, GEORGE, Blenheim-road, St. John's-wood, and Orchard-street, Portman-square, dentist, Feb. 3. *Off. Ass. Graham; Sol. Rae, 18, Warwick-court, Gray's-inn.*—*Pet. f. Jan. 15.*

HARRISON, FRANCIS, Writtle, Essex, farmer, Feb. 3. *Off. Ass. Cannon; Sols. Wilde & Co., 21, College-hill; Wilson, Chelmsford.*—*Pet. f. Jan. 17.*

HOPCRAFT, JAMES, East Moulsey, beer-shop keeper, Feb. 3. *Off. Ass. Cannon; Sol. Marshall, 9, Lincoln's-inn-fields.*—*Pet. f. Jan. 17.*

KUTNER, CHRISTIAN CHARLES, Phelps-street, Walworth, out of business, Feb. 3. *Off. Ass. Stansfeld; Sol. Chipperfield, 3, Trinity-street, Southwark.*—*Pet. f. Jan. 18.*

MARLOW, JOHN, and MARVING, THOMAS WALTON, Northampton, saddlers, Feb. 3. *Off. Ass. Cannon; Sols. Shield & Co., Northampton; Kingdon & Co., 3, Laurence-lane, Cheshire.*—*Pet. f. Jan. 15.*

OXENHAM, WILLIAM, Napier-street, Great Dover-street, carpenter, Feb. 3. *Off. Ass. Cannon; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Jan. 15.*

PEARCE, EDMUND, Beaufort-street, Chelsea, mechanical engineer, Feb. 3. *Off. Ass. Cannon; Sol. Mirfin, 5, Staple-inn, Holborn.*—*Pet. f. Jan. 16.*

PRATT, JOHN, Mount-street, Grosvenor-square, licensed victualler, Feb. 3. *Off. Ass. Stansfeld; Sol. Haynes, 25, Orchard-street, Portman-square.*—*Pet. f. Jan. 15.*

PRESTON, JOHN, and PRACY, GEORGE, Queen's-road, Camden-town, tailors, Feb. 3. *Off. Ass. Edwards; Sols. Harrison & Co., 6, Old Jewry; Perren, 1, Lincoln's-inn-fields.*—*Pet. f. Jan. 14.*

ROSE, THOMAS, Albany-street, Regent's-park, photographic artist, Feb. 3. *Off. Ass. Graham; Sols. Lawrence & Co., 14, Old Jewry-chambers, Old Jewry.*—*Pet. f. Jan. 15.*

SIBESBYTHAM, ELIZA, and SNOOKELL, HARRIETT, Bolsover-street, Marylebone, out of business, Feb. 3. *Off. Ass. Cannon; Sol. Chidley, 25, Old Jewry.*—*Pet. f. Jan. 16.*

SMITH, WILLIAM PINNION, Whitechapel-road, tailor's foreman, Feb. 3. *Off. Ass. Stansfeld; Sol. Hare, 8, Old Jewry.*—*Pet. f. Jan. 17.*

TYRELL, GEORGE, Eldon-street, Finsbury-circus, Finsbury, oster, Feb. 3. *Off. Ass. Cannon; Sol. Hulton, 20, Upper Clifton-street, Finsbury.*—*Pet. f. Jan. 16.*

WHITTAKER, JOSEPH, Somersham, Huntingdonshire, grocer, Feb. 3. *Off. Ass. Graham; Sols. Abbott & Co., 8, New-inn, Strand.*—*Pet. f. Jan. 15.*

WILLIAMS, EDWARD, Royal-hill, Queen's-road, Baywater, trimming seller, Feb. 3. *Off. Ass. Graham; Sol. Bartley, 4, Bartlett's-buildings, Holborn.*—*Pet. f. Jan. 14.*

#### To be heard in the Country.

ARCHER, WILLIAM, Northampton, beer-house keeper, Feb. 7, Leicester. *Off. Ass. Ingram; Sol. Heath, Nottingham.*—*Pet. f. Jan. 16.*

BAKER, WILLIAM, Birkenhead, Cheshire, contractor, Feb. 2, Liverpool. *Off. Ass. Morgan.*—*Adj. Jan. 15.*

BASFORD, JAMES POWELL, Burslem, Staffordshire, maker of floor tiles, Jan. 31, Hanley. *Off. Ass. Challinor; Sol. Sutton, Burslem.*—*Pet. f. Jan. 16.*

BATES, JOHN, Kingston-upon-Hull, butcher, Jan. 23, Hull. *Off. Ass. Phillips; Sol. Chester, Hull.*—*Pet. f. Jan. 15.*

BEDDING, JOHN, Wootton, Oxfordshire, innkeeper, Feb. 2, Woodstock. *Off. Ass. Watkins; Sol. Kilbury, Banbury.*—*Pet. f. Jan. 2.*

BEECH, ROBERT ADAMS, Leeds, out of business, Feb. 2, Leeds. *Off. Ass. Carrick; Sol. Harle, Leeds.*—*Pet. f. Jan. 16.*

BENNETT, MATTHEW, Derby, carpenter, Feb. 3, Derby. *Off. Ass. Weller; Sol. Leech, Derby.*—*Pet. f. Jan. 15.*

BEST, JOHN WALSH, Edgworth, near Bolton, Lancashire, architect, Feb. 9, Manchester. *Off. Ass. Pott; Sols. Atkinson & Co., Manchester.*—*Pet. f. Jan. 17.*

BLETNY, CHARLES, Hafod, near Swansea, Glamorganshire, engineer, Feb. 4, Swansea. *Off. Ass. Morris; Sol. Ensor, Cardiff.*—*Adj. Jan. 9.*

BURTON, JOSEPH, Truro, Cornwall, hawk, Feb. 2, Truro. *Off. Ass. Rogers; Sol. Marshall.*—*Pet. f. Jan. 17.*

CHINN, JOHN, Dawley, Shropshire, labourer, Feb. 14, Madeley. *Off. Ass. Potts; Sol. Walker, West Hampton.*—*Pet. f. Jan. 17.*

CHURCHYARD, ROBERT, Great Malvern, Worcestershire, salmoner, Feb. 5, Upton-upon-Severn. *Off. Ass. Gough; Sol. Wilson, Worcester.*—*Pet. f. Jan. 12.*

DAVIS, JOHN, Weston-super-Mare, Somersetshire, postmaster, Jan. 27, Weston-super-Mare. *Off. Ass. Davis; Sol. Smith.*—*Pet. f. Dec. 30.*

FLANAGAN, JAMES, Arundel, Sussex, county court bailiff, Jan. 27, Arundel. *Off. Ass. Holmes; Sol. Goodman, Brighton.*—*Pet. f. Jan. 15.*

FRITS, JOHN, Wath-upon-Deane, Yorkshire, cordwainer, Feb. 4, Rotherham. *Off. Ass. Newman; Sol. Binney, Sheffield.*—*Pet. f. Jan. 16.*

GARDINER, JAMES, Great Malvern, Worcestershire, cabinet maker, Feb. 5, Upton-upon-Severn. *Off. Ass. Gough; Sol. Wilson, Worcester.*—*Pet. f. Jan. 5.*

GOLIGHTLY, JOHN, Wilson Park Ironworks, Durham, engine tender, Feb. 4, Bishop Auckland. *Off. Ass. Trotter; Sol. Brignal, Durham.*—*Pet. f. Jan. 15.*

GRIMBLE, ROBERT, Lidge, Suffolk, wheelwright, Jan. 29, Newmarket. *Off. Ass. Butts; Sol. York, Newmarket.*—*Pet. f. Jan. 14.*

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GLOVER, EDWIN WALTER, and BOULCOTT, JAMES, Long-lane, Bermondsey, leather dressers, Feb. 10. Off. Ass. Stansfeld; Sols. Thomson & Co., 60, Cornhill.—Pet. f. Jan. 12.

GOOSE, ROBERT, John-street, East-street, Lock's-fields, Waltham, butcher, Feb. 5. Off. Ass. Graham; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. Jan. 22.

HELICAR, FREDERICK ILES, Southampton-street, Pentonville, grocer, Feb. 10. Off. Ass. Stansfeld; Sols. Reed & Co., 1, Guildhall-chambers.—Pet. f. Jan. 20.

HOLLAND, ROBERT, East Grinstead, Sussex, miller, Feb. 9. Off. Ass. Cannan; Sols. Smith & Co., 3, Basinghall-street.—Pet. f. Jan. 19.

INGLEDEW, EDWIN, Lechlade, Gloucestershire, and Tiehbourne-street, Edgeware-road, Paddington, farmer, Feb. 10. Off. Ass. Stansfeld; Sol. Herring, 17, Stafford-street, Marylebone-road.—Pet. f. Jan. 19.

JOHNSON, ROBERT, Newman-street, Oxford-street, saddler, Feb. 10. Off. Ass. Cannan; Sols. Fraser & Co., 78, Dean-street, Soho.—Pet. f. Jan. 19.

LONDON, CHARLES RICHARD, Vigo-street, and Clarendon-cottage, New-road, Hammersmith, woollendrapier, Feb. 10. Off. Ass. Stansfeld; Sols. Flux & Co., 9, Mincing-lane.—Pet. f. Jan. 2.

LONDON, DANIEL, Star-street, Paddington, carpenter, Feb. 3. Off. Ass. Graham; Sol. Herring, 17, Stafford-street, Marylebone-road.—Pet. f. Jan. 19.

MACLEAN, WILLIAM, Paddington-street, Marylebone, brushmaker, Feb. 10. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 16.

MERRY, DAVID, Hart's-lane, Bethnal-green, elastic webbing manufacturer, Feb. 10. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 21.

MOORE, WILLIAM, Cumming-street, Middlesex, out of business, Feb. 10. Off. Ass. Edwards; Sol. Blake, 41, Moorgate-street.—Pet. f. Jan. 19.

PANTING, THOMAS, and PANTING, JOHN, Commercial-road, Lambeth, carmen, Feb. 3. Off. Ass. Stansfeld; Sol. Scarth, 2, Buckersbury.—Pet. f. Jan. 19.

RIECK, ERNEST FERDINAND WILLIAM, Percy-street, Tottenham-court-road, artist, Feb. 10. Off. Ass. Cannan; Sol. Wells, 47, Moorgate-street.—Pet. f. Jan. 19.

ROWCLIFFE, CHARLES, Paddington-street, Marylebone, baker, Feb. 3. Off. Ass. Graham; Sol. Buchanan, 1, Walbrook-buildings.—Pet. f. Jan. 21.

SHAW, CAROLINE ELIZA, and SHAW, FREDERICK, Tooley-street, Southwark, and Parker's-row, Dockhead, stationers, Feb. 3. Off. Ass. Graham; Sol. Bennett, 181, Tooley-street, Southwark.—Pet. f. Jan. 19.

SHAYER, EDWARD DASHWOOD, Pall-mall, St. James's, picture dealer, Feb. 3. Off. Ass. Edwards; Sol. Kerry, 9, Gray's-inn-square.—Pet. f. Jan. 17.

SHEARMAN, THOMAS, St. Catherine's-road, Notting-hill, plasterer, Feb. 3. Off. Ass. Edwards; Sol. Pook, 27, Basinghall-street.—Pet. f. Jan. 19.

THOMAS, WILLIAM HENRY, Deptford-bridge, Greenwich, furniture dealer, Feb. 3. Off. Ass. Stansfeld; Sol. Drew, 4, New Basinghall-street.—Pet. f. Jan. 20.

TRIGO, SAMUEL, Lacland-terrace, King's-road, Chelsea, dairyman, Feb. 3. Off. Ass. Stansfeld; Sol. Hill, 43, Basinghall-street.—Pet. f. Jan. 19.

WELLS, GEORGE, Bushey, Hertfordshire, Feb. 10. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. Jan. 16.

WHITEHEAD, THOMAS, Southampton-street, Pentonville, mattress manufacturer, Feb. 3. Off. Ass. Graham; Sols. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. Jan. 20.

WILLIAMS, DAVID GEORGE, St. Thomas-street, Borough, Feb. 10. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Jan. 20.

WILSON, DANIEL, Fore-street, out of business, Feb. 3. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 20.

WYNN, FREDERICK GEORGE, Blackfriars-road, Surrey, leather seller, Feb. 10. Off. Ass. Edwards; Sol. Randall, 17, Gracechurch-street.—Pet. f. Jan. 20.

*To be heard in the Country.*

BAGSHAW, WILLIAM, Worcester, out of business, Feb. 2, Birmingham. Off. Ass. Kinnear; Sol. Wilson, Worcester.—Pet. f. Jan. 19.

BAILEY, RICHARD BROWN, Liverpool, lemonade manufacturer, Feb. 2, Liverpool. Off. Ass. Turner.—Adj. Jan. 16.

BROUNLIE, CHARLES, Liverpool, merchant, Feb. 5, Liverpool. Off. Ass. Turner; Sols. Evans & Co.—Pet. f. Jan. 9.

CALDWELL, SAMUEL, Birmingham, tailor, Feb. 9, Birmingham. Off. Ass. Kinnear; Sol. Walter, Birmingham.—Pet. f. Jan. 21.

CALVERT, ISAAC, Halifax, Yorkshire, bootmaker, Feb. 12, Halifax. Off. Ass. Dyson; Sols. Wavell & Co., Halifax.—Pet. f. Jan. 13.

CANSFIELD, GEORGE, Undercliffe, near Bradford, Yorkshire, shopkeeper, Feb. 9, Leeds. Off. Ass. Carrick; Sols. Gant, Bradford; Simpson, Leeds.—Pet. f. Jan. 19.

CARROLL, JOHN HENRY, Kirkdale, out of business, Feb. 3, Liverpool. Off. Ass. Hime; Sol. Anderson, Liverpool.—Pet. f. Jan. 19.

CLARK, JAMES, Manchester, travelling draper, Feb. 2, Manchester. Off. Ass. Pott; Sol. Jellicoore, Manchester.—Pet. f. Jan. 16.

COCKILL, JOSEPH, East Retford, Nottinghamshire, commission agent, Feb. 4, East Retford. Off. Ass. Newton; Sol. Marshall, East Retford.—Pet. f. Jan. 21.

COX, WILLIAM, Tonbridge Wells, Kent, out of business, Jan. 30, Tonbridge Wells. Off. Ass. Alleyne; Sols. Halse & Co., Tonbridge Wells, and 61, Cheapside.—Pet. f. Jan. 15.

CURTIS, DAVID, Manchester, painter, Feb. 9, Manchester. Off. Ass. Kay; Sol. Gartside, Manchester.—Pet. f. Jan. 17.

DAWES, ALFRED, Trowbridge, Wiltshire, draper, Feb. 6, Bristol. Off. Ass. Acraman; Sols. Bevan & Co., Bristol.—Pet. f. Jan. 9.

EARNshaw, RICHARD, Kirkburton, Yorkshire, timber merchant, Feb. 5, Leeds. Off. Ass. Young; Sols. Freeman, Huddersfield; Caris & Co., Leeds.—Pet. f. Jan. 20.

EDMONDS, JOHN, Swansea, Glamorganshire, dealer in fruit, Feb. 4, Swansea. Off. Ass. Morris; Sol. Tripp, Swansea.—Pet. f. Nov. 7.

ELING, CHARLES, Liverpool, eating-house keeper, Feb. 4, Liverpool. Off. Ass. Turner.—Adj. Jan. 16.

FREEMAN, AMOS, Whittington, Derbyshire, labourer, Feb. 7, Sheffield. Off. Ass. Young.—Adj. Jan. 15.

GALLANT, CLEMENT ROLLING, Norwich, timber merchant, Feb. 2, Norwich. Off. Ass. Palmer; Sol. Sadd, Norwich.—Pet. f. Jan. 19.

GEDGE, THOMAS, Great Yarmouth, Norfolk, builder, Feb. 3, Great Yarmouth. Off. Ass. Palmer; Sol. Cufaude, Great Yarmouth.

HADAWAY, THOMAS DIXON, North Shields, Northumberland, collector of taxes, Feb. 3, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Adamson, North Shields.—Pet. f. Jan. 16.

HADLEY, BENJAMIN, Birmingham, carpenter, March 2, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Jan. 19.

HAINES, THOMAS, Portsea, Hampshire, lodging-house keeper, Feb. 9, Portsmouth. Off. Ass. Howard; Sol. Paffard, Portsea.—Pet. f. Jan. 20.

HESLOP, THOMAS, Bishopwearmouth, Durham, publican, Feb. 10, Bishopwearmouth. Off. Ass. Marshall; Sol. Graham, Sunderland.—Pet. f. Oct. 15.

HICKLING, EBENEZER, Nottingham, maltster, Feb. 9, Nottingham. Off. Ass. Harris; Sol. Wells, Nottingham.—Pet. f. Jan. 20.

HILL, THOMAS, Stoke-upon-Trent, Staffordshire, beerseller, Feb. 7, Stoke-upon-Trent. Off. Ass. Keary; Sol. Litchfield, Newcastle-under-Lyme.—Adj. Jan. 16.

HILLIER, JAMES, Bourn, Lincolnshire, tailor, Feb. 6, Bourn. Off. Ass. Bell; Sol. Andrews, Bourn.—Pet. f. Jan. 20.

HISCOCK, RICHARD, Bristol, engineer, Feb. 6, Bristol. Off. Ass. Miller; Sols. King & Co., Bristol.—Pet. f. Jan. 21.

HOLMES, ROBERT, Great Yarmouth, Norfolk, mariner, Feb. 3, Great Yarmouth. Off. Ass. Palmer; Sol. Cufaude, Great Yarmouth.—Pet. f. Jan. 20.

HONEY, PHILIP, Parkham, Devonshire, farmer, Feb. 4, Bideford. Off. Ass. Rooker; Sol. Hole, Bideford.—Pet. f. Jan. 19.

HUTCHESON, JAMES, Plymouth, Devonshire, cattle dealer, Feb. 4, East Stonehouse. Off. Ass. Pearce.—Adj. Jan. 14.

IRELAND, JOHN, Siserg Castle, near Kendal, Westmoreland, farmer, Feb. 5, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Harle & Co., 20, Southampton-buildings, Chancery-lane, and Newcastle-upon-Tyne; Thompson, Kendal.—Pet. f. Jan. 20.

JONES, THOMAS, Trevechin, Monmouthshire, licensed victualler, Feb. 6, Bristol. Off. Ass. Acraman; Sols. Greenway, Pontypool; Bevan & Co., Bristol.—Pet. f. Jan. 21.

KENDALL, WILLIAM JACKSON, Chatham, Kent, bootmaker, Feb. 3, Rochester. Off. Ass. Acworth; Sol. Hayward.—Pet. f. Jan. 20.

KILROY, MICHAEL, Birmingham, brush maker, March 2, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Jan. 19.

LEIGH, BASSETT EDWARD, Liverpool, licensed victualler, Feb. 5, Liverpool. Off. Ass. Turner; Sol. Pamberton, Liverpool.—Pet. f. Jan. 19.

LOWE, MATTHEW, Wolverhampton, grocer, Feb. 6, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. Jan. 19.

MARRIOTT, WILLIAM, Sheffield, mark maker, Feb. 11, Sheffield. Off. Ass. Waks; Sol. Broadbent, Sheffield.—Pet. f. Jan. 22.

MARSH, WILLIAM, Alvington, Gloucestershire, veterinary surgeon, Feb. 13, Stroud. Off. Ass. Anderson; Sol. Clutterbuck, Stroud.—Pet. f. Jan. 20.

MATTHEWS, CHARLES, Stockton-on-Tees, Worcestershire, builder, Feb. 2, Birmingham. Off. Ass. Kinnear; Sols. Batham, Kidderminster; Wright, Birmingham.—Pet. f. Jan. 19.

MCCOY, CHARLES ROBERT, Maidstone, labourer, Feb. 4, Maidstone. Off. Ass. Scudamore; Sol. Morgan, Maidstone.—Pet. f. Jan. 20.

MICKLEWRIGHT, SAMUEL, Stoke-upon-Trent, Staffordshire, beerseller, Feb. 7, Stoke-upon-Trent. Off. Ass. Keary; Sol. Litchfield, Newcastle-under-Lyme.—Adj. Jan. 16.

## CONTENTS.

London Gazette	26
Leading Article	27
Correspondence	29
Order of Court	30
Judges' Chambers	30
Calls to the Bar	31
Examinations at the Incorporated Law Society— Hilary Term	31
Court Papers:—Equity Sittings after Hilary Term	32

## NAMES OF THE CASES REPORTED.

## HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

Callen v. Thomson.—(Joint-stock company—Fraudulent reports issued by directors—Liability of manager and secretary—Master and servant)	85
---	----

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Glover v. Daubeny.—(Appeal—New evidence)	90
In re Blackmore.—(Lunacy—Recovery—Suspending commission)	90

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Farrant v. Blanchford.—(Trustee—Breach of trust—Release—Lapse of time)	90
Millett v. Davey.—(Mortgage—Mines—Insufficient security—Mortgages in possession—Acquiescence by mortgagees)	92
Jones v. Southall.—(Will—Power of appointment—Sect. 27 of the Wills Act—Ademption of legacies—Demonstrative legacies)	93

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

In re Keeler.—(Trustee Act, 1850—Mortgage)	95
--	----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Burbey v. Burbey and Others.—(Will—Construction—Gift to all my cousins, in all respects restricted to first cousins)	96
Hartley v. Smith and Others.—(Will—Expression of wish and desire by testator as to care of his children—Appointment of guardian by testator and by the Court)	97

## COURT OF QUEEN'S BENCH.

By C. W. LOVSEY, Barrister at Law.

Dutton v. Hally.—(Scotch bankrupt—Warrant of protection—"Meditatio fugæ"—Scotch Bankrupt Act, 19 & 20 Vict. c. 79, s. 47—Arrest under the 1 & 2 Vict. c. 110, s. 3)	99
---	----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

The Churchwardens of St. Nicholas, Rochester v. The Churchwardens of St. Botolph, Bishopsgate, London.—(Poor law—Apprenticeship—Settlement—Execution of indenture—1 Geo. 2, c. xx—56 Geo. 3, c. 139—7 & 8 Vict. c. 101)	101
---	-----

## EXCHEQUER CHAMBER.

By J. GRANT, Barrister at Law.

Durrell v. Evans and Others.—(Statute of Frauds, s. 17—What sufficient note in writing of contract—Factor of seller signing on behalf of buyer—Evidence of authority to make contract binding principal)	104
--	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Allwood v. Heywood.—(Custody of title deeds—Tenant for life and contingent remainderman)	108
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## THE JURIST.

LONDON, JANUARY 31, 1862.

AMONGST the numerous real improvements in our system of jurisprudence which have taken place of late years, the first rank, perhaps, may be accorded to that by which our courts of law and equity are being gradually rendered independent of each other, and enabled to do complete justice in almost every cause brought before them.

The fusion of law and equity, though far advanced, is not complete; but it is to be hoped that during the next session the Lord Chancellor will be enabled to take another step in the right direction. Opinions naturally differ as to the extent to which fusion should be extended. Some would carry it out to its fullest extent, would have the same mode of procedure to every court, and would entirely abolish every distinction between courts of law and courts of equity; in fact, leaving parties in every case liberty to bring it before any court, whatever may be the nature of the litigation, or the subject-matter in dispute. Such a complete change, however, is not likely to be made suddenly; the assimilating process has been going on gradually for some years, and will still continue to advance, but we are inclined to think that no advantage would be gained by a sudden change—by throwing open every court for the admission of every kind of business, which had previously been transacted solely in others.

By the use of equitable pleas and replications, on,

perhaps, a rather more extensive scale than at present, it would be unnecessary to apply for injunctions in equity to stay proceedings at law. By interrogatories at law for the examination of the parties, bills of discovery in equity, as supplemental to proceedings at law, ought to be rendered quite unnecessary. The power of granting injunctions at law, in all cases where legal rights are in dispute, ought to enable courts of law, if it does not now do so, to render complete justice without the assistance of courts of equity.

Where, however, the different courts of law can do complete justice in the cases before them, there seems to be no more inconvenience in allotting a particular kind of business to courts of equity, and a different kind to courts of law, than there is in allotting the Admiralty business to the courts presided over by Dr. Lushington, and the Probate and Matrimonial and Divorce Cases to Sir Cresswell Cresswell.

The procedure and practice, both in the courts of common law and in courts of equity, have of late years, doubtless, been greatly improved. The scandalous delays in Chancery, the multiplication of steps in a suit, for the purpose of increasing the number of fees payable formerly to the officers of the court, were fully exposed by the Chancery Commission; and, to a great extent, though not fully, remedied upon its recommendation. Thus still there remains much to be done. There are delays of unnecessary length still in Chancery; costs and expenses are incurred, which, though small in comparison to those which ruined unfortunate suitors during the procrastinating reign of Lord Eldon, are still formidable, and might, we are fully persuaded, be reduced.

Again: there is a large class of cases where equitable relief is necessary, but a recourse to equity as at present administered either inflicts inevitable ruin upon some or perhaps all of the parties, or it necessarily devours, as the price of the decision, the subject-matter of litigation. Surely some mode might be found for disposing of such cases cheaply and satisfactorily. Judges in Chancery are always disposed to rebuke those who bring before them cases where the matter in dispute is of small value, forgetting that at present their own court is the only place where some disputes, though only relating to little matters, can be settled—where trustees can be relieved from the liabilities consequent upon making a wrong distribution, or a party entitled to purely equitable relief can obtain it. It is true, that under the Chancery Amendment Acts, and the Acts of Sir G. J. Turner, L. J., and Lord St. Leonards, the opinion of the Court can be obtained in a very summary mode; that relief may be got by a simple summons at chambers in cases where formerly all the formalities of a regular suit must have been gone through before the same end could have been attained; but, notwithstanding all this, there are many, very many, cases where even this simplified mode of procedure occasions an expense which is either utterly out of proportion to the advantage to be gained, or is so great as to render any advantage impossible.

There is a large class of cases, we are convinced, might be disposed of just as well in a county court as by the Court of Chancery. Suppose A. contracts to take a lease of land from B. for seven years, at 80*l.* rent, or to purchase land from him for, say, 200*l.*, might not a county court be intrusted with the power to decree specific performance of such contracts? A. mortgages to B. a small tenement for 200*l.*—why should not a county court be enabled to make a decree for redemption or foreclosure, just as well as a court of equity in London? A person dies in the country leaving assets to a small amount to be administered—why should they not be administered by the judge already intrusted with the power of administering the same estate if the deceased had been bankrupt?

Suppose, again, a difficult question to arise, whether a legacy of 50*l.* is vested or contingent, might not some mode be devised by which executors could safely pay it, without having recourse to the Court of Chancery? Might not the opinion of certain official counsel—such, for instance, as one of the counsel of the court, or of one of some more numerous body to be designated by the Lord Chancellor—upon a case submitted to, and an opinion obtained from, him, in the same manner as it is now submitted to and obtained (barring the arguments of counsel) from the Court, be a sufficient indemnity to the executors acting upon such opinion?

The great advantage, in matters of small amount, of giving jurisdiction to the county courts, is, that in most cases one professional man would be sufficient, whilst, on the other hand, in cases coming from the country, country solicitors, town solicitors, and counsel are necessarily employed; and the expense and

delay consequent upon all business going through three different mediums before it arrives *coram judice*, may be imagined by all, and, to their grief, has been experienced by many.

Again: may not the proceedings of the Court of Chancery be in many ways improved and simplified, both with the view of preventing litigation, or when inevitable, of rendering it less costly?

Might not, for instance, in a very great many more cases than at present, the parties come before the Court with all the materials ready for a final decision, and thus prevent the delay and cost of a reference to chambers, and a hearing on further consideration?

Might not some of the rules of the Court of Chancery, which have at least a tendency to increase unnecessary litigation, be altered without any detriment to the administration of justice? Take, for instance, that rule by which the residue of a testator's estate is made to pay the costs of construing certain parts of his will in which the residuary legatee takes no interest.

By a judicial fiction, the testator having caused, by using inapt words, the alleged difficulty in determining what he means, it is said that his estate ought to pay the expenses of the litigation occasioned thereby. Now, we cannot but think that it is a great hardship upon the owner of the residue (not the testator) but A., that he must pay for the determining whether B. or C. are entitled to a fund in which he, A., has no interest; and it is very obvious, where two or more persons can enjoy the luxury of litigation at the expense of a third party, that there will, at least, be a tendency to bring all those cases before the Court of Chancery, and no lack of advisers to recommend the adoption of such course, when, without such a convenient fund, matters might, without having recourse to extreme measures, have been arranged to the satisfaction of all concerned.

With regard to the procedure of the Court of Chancery, it must be admitted that Lord Chelmsford, by the consolidation of the General Orders of the Court, under the able superintendence of Mr. Josiah Smith and Mr. Cadman Jones, did much for its improvement, but the next step which obviously ought to be taken, is to form a code of practice, by embodying therein, in logical order, the various acts of Parliament, General, Consolidated, and other Orders, decisions, and practice of the Court of Chancery. If an attempt even to produce a code were made, it would bring to light many anomalies and inconveniences of the present practice, which might be easily and effectually remedied. Compare the procedure of the English Court of Chancery, as it is found in the very useful book of Mr. Osborne Morgan, with the French Code of Civil Procedure; and we shall see that the contrast between the two is as strong as between order and disorder, light and darkness.

Whatever difficulties may lie in the way of forming a code of substantive law, there are none of an insurmountable character in forming a code of procedure. The authors of the Consolidated Orders have shewn what may be done with reference to a code of procedure, and there is no doubt, that with very little more labour they might, had they been so instructed

to do, have framed a code of Chancery procedure, embracing within its sections the whole practice of the Court, derived from every available source.

If such a task were undertaken, and well performed, it might tend in a very great degree to the assimilation of the procedure of the courts of law and equity. The practice of the Court of Chancery would cease to be what it now is, save to its own practitioners, an inscrutable mystery; and while Chancery procedure might borrow some useful hints from the courts of law, the courts of law, on the other hand, might, to a still greater extent, derive improvement by borrowing largely from the procedure and machinery of the Court of Chancery.

### Correspondence.

#### SUCCESSION DUTY.

TO THE EDITOR OF "THE JURIST."

SIR,—The perplexities attendant upon the construction of the main clauses of the Succession Duty Act have been already discussed in two of your leading articles (7 Jur., N. S., part 2, pp. 491, 507), to which I ventured to add a few remarks in the same volume (p. 537); and I drew your attention to the case of *The Attorney-General v. Floyer and Seymer* (7 Jur., N. S., part 1, p. 1062). It will be seen from THE JURIST of the 10th instant, that the decision in that case, in which an appointee, under the exercise of a joint power limited to themselves on barring the entail by tenant for life and tenant in tail male in remainder, was held, by the learned judges of the Court of Exchequer, to take a succession from the said appointees equally, has been reversed by the House of Lords. That all the cases in which powers of appointment have been created and exercised, and questions thereupon as to succession duty have arisen and been decided, could have been reconciled, was impossible; but it is by no means clear to my mind that Lord Campbell would have acquiesced in the reversal of the judgment of the Court of Exchequer in the case in question, although it was the authority of *Lord Braybrooke v. The Attorney-General* (7 Jur., N. S., part 1, p. 741), decided by the House of Lords during the Chanceryship of Lord Campbell, that was held to govern the case. In delivering his judgment, the then Lord Chancellor expressed himself as follows:—"The question has been asked, what would have been the effect of the joint power of appointment being executed in favour of a stranger? That stranger, on taking the succession, would have been in a totally different position from the appellant; and as he would clearly have taken under the disposition of others, the duty to be paid by him would depend upon totally different considerations" (p. 743). Now, it is indisputable, that George Bankes and Edmund George Bankes respectively took in no other character than as strangers in respect of the disposition made by Henry Bankes and John William Bankes.

It would have been difficult for Lord Cranworth, who disposes of *In re Jenkinson* (24 Beav. 64) as a case of valuable consideration for a power to charge, to reconcile with his judgment the dicta at the Rolls, *In re Ramsay*, to which I referred (p. 537)—"*If Lady Ramsay had exercised that power (a general power), and the petitioners had taken as appointees from her, and not under the ultimate trusts of the settlement, then I should have been of opinion that she would have been the predecessor.*" The respective positions of George Bankes and Edmund George Bankes might have appeared dif-

ferent to the mind of Sir G. J. Turner, L. J., if I can gather any argument by analogy from the judgment of his Lordship in *Re Lovelace* (5 Jur., N. S., part 1, pp. 428, 694), in which, with reference to a possible conflict between the 2nd and 4th sections of the Succession Duty Act, his Lordship remarks (p. 696), "But this difficulty is, I think, more seeming than substantial; for I apprehend that the express provision of the 4th section, that the donee of a power should be a successor, would, in the cases in which it applied, override the general provision of the 2nd section, placing the appointee in that position." The Lord Justice then proceeds to state, that "taking effect," in the 4th section, refers to the power, and not to the instrument creating it, as Sir W. P. Wood, V. C., had determined; and his Lordship thus concludes—" . . . ; and it is for this reason that I think the case does not fall within the 4th section, the power having come into operation on the death of Mr. Lovelace, who died before the passing of the act." Now, in the case of George Bankes, the power came into operation, in this sense, on the suffering of the recovery in 1810; but, in the case of Edmund George Bankes, the disentailing deed was dated the 2nd July, 1855, subsequently to the Succession Duty Act; and thereupon the power came into operation. In the same sense, in the case of *In re Barker et Ux.* (7 Jur., N. S., part 1, p. 1061), the power came into operation in 1850. Now, I must not be understood to argue that the powers in *The Attorney-General v. Floyer and Seymer* were exactly similar to those in the cases of *In re Lovelace* and *In re Barker et Ux.*, or within the 4th section, although I must admit that the construction put upon the words of that section by Sir W. P. Wood, V. C., seems more in accordance with ordinary grammatical rules than that of the Lord Justice. The learned Vice-Chancellor thought that the 2nd section standing alone, might include appointees, but, when followed by the 4th section, could not be reasonably held to do so; but he contracted the operation of the 4th section by understanding "taking effect" in a legal instead of a popular sense. Whatever may be the effect of this section, I think it must be admitted, that for the purposes of the act, a conversion of powers executed into property was intended; but I do not at all think that the decisions have been in that direction. I am treating, of course, of general powers. Let the spirit of the 4th section be observed in the construction of the 2nd; for, if it be just, under circumstances coming within the 4th section, that appointors should be successors, it is equally so, under circumstances coming within the 2nd section, that appointors should be predecessors. It is not, however, a matter calculated to excite our wonder, that so Titanic a grasp of thought as the Succession Duty Act undoubtedly displays should be not less evidenced, here and there, by fragmentary ideas lying about the sections.

Your obedient servant,  
Rolls-chambers, Chancery-lane. G. L.  
Jan. 23, 1863.

[Although we do not quite agree with our correspondent in his estimate of the ability displayed in the framing of the act, we agree with him in thinking that the case of *The Attorney-General v. Floyer* cannot be reconciled with the authorities, or with the design of the act. It seems very clear to us that the decision of the majority of the Lords in *Lord Braybrooke v. The Attorney-General* (7 Jur., N. S., part 1, p. 741), upon which Lord Cranworth relied, and by which Lord Wensleydale felt bound, has no bearing on the point in *The Attorney-General v. Floyer*. In the earlier case the estates were originally settled by the will

of Lord Howard de Walden upon his cousin R. N. for life, with remainder in effect to R. N.'s son, R. C. N., in tail. The father and son suffered a recovery, and resettled the estates (subject to the father's life estate), to such uses as they should jointly appoint; and an appointment was made under which R. C. N. took a life estate. It was held, that on the death of R. N., R. C. N. must pay as on a succession from his cousin, the testator; and this was according to the express provision of the act (sect. 12), that the disposition of a reversion in favour of the reversioner himself shall not operate to deprive the State of the duty which would have been payable if no such disposition had been made. But in *The Attorney-General v. Floyer* the case was different. There H. B., tenant for life, and W. J. B., his eldest son, tenant in tail in remainder, barred the entail, and reserved to themselves a joint power under which, before the passing of the act, they limited the estate to the father and son successively for life, with remainders to the issue of the son which failed, with remainder to George B., another son of H. B., in tail. It was held by the Court of Exchequer, that on the death of the surviving tenant for life, George B. must pay duty as on a succession from his father and brother in equal moieties, according to the provision in sect. 13 of the act, for the case of a succession derived from several predecessors, the proportional interest derived from each not being distinguishable. We cannot doubt that this decision was right, and that the question in *Lord Braybrooke's case* did not arise. In that case, the will of Lord Howard de Walden had given a succession to take effect on the death of R. N.; and it was held, according to the express provision of the act, that the taker of that succession must pay duty as on a succession under the will. In *Floyer's case*, neither George B., nor any person claiming under him, was at any time after the passing of the act (see sect. 15) entitled to a life estate under the settlement—the only title which he had at or after the passing of the act was a title given him by an appointment made by his father and his brother, under a power which made them absolute owners of the estate. Lord Cranworth's remarks on *Lord Braybrooke's case* are founded on a misconception of the principle of the decision, which did not proceed upon the ground that R. C. N. took his succession wholly from himself, but on the ground that the succession which he took was derived from his cousin.

Two other questions arose in the same case, and were decided (against the opinion of the Court of Exchequer) in accordance with *Lord Braybrooke's case*. G. B. being tenant for life, and E. G. B. tenant in tail in remainder, resettled the estate in 1856 (after the Succession Duty Act came into operation), to such uses as the two should jointly appoint, and then appointed them in effect to the use of G. B. for life, with remainder to trustees for a term of 500 years, upon trust to pay an annuity to E. G. B. if he should survive G. B.; and also to raise portions for G. B.'s younger children as G. B. should appoint. G. B. appointed portions under the power. It was held, that succession duty at 3l. per cent. was payable both on the annuity and on the portions. The Court of

Exchequer had held that the duty should be at the rate of 1l. per cent. on the portions and on one-half of the annuity, and at 3l. per cent. on the other half of the annuity. We think that the duty should have been at 1l. per cent. on one-half both of the annuity and of the portions, and at 3l. per cent. on the other half of each. They were both created by a disposition by E. G. B. of his succession of an estate tail which he derived under a settlement, made before the passing of the act, by his father and his uncle.]

#### ORDER OF COURT.

THE following Order of Court has just been issued:—Whereas, by the 5th of the Consolidated Orders of the High Court of Chancery, rule 4, article 1, it is provided, that the Easter Vacation is to commence and terminate on such days as the Lord Chancellor shall every year specially direct: Now, I do hereby order that the Easter Vacation for the present year shall commence on Monday, the 30th March, and terminate on Wednesday, the 8th April, both days inclusive.

WESTBURY, C.

#### JUDGES' CHAMBERS.

(From the Solicitor's Journal.)

I INVITE your attention to the present mode of transacting business at the judges' chambers, and the fearful loss of time consequent thereupon.

The best way of illustrating the evil complained of will be to describe an afternoon "at chambers," say yesterday afternoon, for one day, unhappily, varies but little from another. My summons yesterday was returnable, as usual, at three o'clock. We first meet in an outer chamber, where we are penned up for half an hour, and nearly stifled in the midst of a crowd of clerks and boys shouting and bawling in all manner of tones and keys. At about half-past three o'clock parties are admitted into the judge's private room, usually two or three only at a time. Yesterday, for a change, no order was observed, and the judge's "private" room, from soon after three o'clock until six o'clock, was thronged with not less than from twenty to thirty persons at one time, all waiting to make their applications. In my case four parties were in attendance, and we were kept waiting from three o'clock until more than half-past five o'clock before our number was reached; and after our case was heard and disposed of there were still others remaining to be heard. Nearly three hours were thus wasted before our case was reached. Multiply these three hours by the hundreds of cases heard every day in the three chambers, and some idea may be formed of the frightful waste of time occasioned by the present system. Clients' pockets must pay for this in one shape or another. But the waste of time is not the only evil: a failure of justice frequently ensues as a natural consequence of the system. The judges get wearied and irritated by the constant repetition of frivolous arguments on all sorts of frivolous points, and are sometimes thus rendered unfit to deal with matters of more importance in a judicial frame of mind.

Another evil is, that clerks acquire habits of lounging about, and wasting the time of their principals in idle chatter and gossip, to the utter destruction of proper business-like habits. The remedy for this state of things is obvious: let one of the Masters of each

court—the Queen's Bench, Common Pleas, and Exchequer—attend at the respective chambers of the judges, and hear and dispose of all simple summonses and applications, such as for time to plead, and the like.

This course is occasionally adopted when there is only one judge in attendance for the three courts, but there is no reason why it should not be permanently acted upon. There are four or five Masters to each court, well paid, not over-worked, and perfectly competent to discharge these duties, and I believe, as far, at least, as most of them are concerned, perfectly willing to do so.

January 21.

L.

### CALLS TO THE BAR.

THE following gentlemen have been called to the degree of Barrister at Law:—

**LINCOLN'S INN.**—Isambard Brunel, Esq., M.A.; Reginald Cardwell, Esq., M.A.; James Henry Ramsay, Esq., M.A.; Thomas Godfrey Faussett, Esq., M.A.; Frederick Whitting, Esq., M.A.; Thomas Erskine Holland, Esq., M.A.; Joseph Henry Warner, Esq., B.A.; James Weston, Esq.; Edward Montagu Earle Welby, Esq., B.A.; Marwood Tucker, Esq., M.A.; John Cutler, Esq., B.A.; Edmond Henry Wodehouse, Esq., M.A.; Henry Montagu Doughty, Esq.; Charles Perring, Esq., B.A.; Frederick Augustus Burgett, Esq., B.A.; John Henry Brougham Vivian, Esq.; Francis Nethersole Cates, Esq.; Decimus Sturges, Esq., B.A., LL.B.; Charles Henry Stewart, Esq.; and Mutu Coomarasamy, Esq.

**INNER TEMPLE.**—William Grantham, Esq. (holder of the studentship awarded this present Hilary Term); William Arundell Yeo, Esq., B.A.; James Marshall Moorsom, Esq., B.A.; Albert Venn Dicey, Esq., M.A.; Bruce Campbell, Esq.; Alexander Mortimer, Esq., B.A.; Elyseman Pinckney, Esq., B.A.; James Thomas Foard, Esq.; Henry Mason Bompas, Esq., M.A., LL.B.; Frederic Thomas Durell Ledgard, Esq., B.A.; Ralph Forster, Esq., M.A.; and Robert Barclay Chapman, Esq.

**MIDDLE TEMPLE.**—William Tayler, Esq.; John Hill Gough, Esq. (holder of the certificate of honour, first class, awarded by the Council of Legal Education); William Robertson, Esq., B.A., Wadham Col., Oxford; William Thomas Makins, Esq., B.A., Trin. Col. Cam.; Henry Graham Lawson, Esq., M.A., Wadham Col., Oxford; Fleming Smythe, Esq.; and John Leybourne Goddard, Esq., B.A., LL.B., Trin. Hall, Cam.

**JURIDICAL SOCIETY.**—A meeting of this society took place at its rooms, No. 4, St. Martin's-place, Trafalgar-square, on Monday evening, the 26th instant, C. Clerk, Esq., in the chair; when it was moved by Mr. W. M. Best, and seconded by Mr. Worsley, "That a committee be appointed to co-operate with the committee of the Law Amendment Society, corresponding with the Berlin Committee for the purpose of establishing a foundation in honour of Savigny." Mr. Westlake moved as an amendment, which was seconded by Mr. Pulman, and carried, "That the secretaries be instructed to give renewed notice to the members of the existence and objects of the committee for the Savigny foundation, and that they will receive and forward the names of any members of the Juridical Society who may wish to join the committee." The adjourned discussion on the question brought before the society by Mr. Worsley at the previous meeting, "Our present treatment of criminals," was then resumed by Mr. W. M. Best. Mr. W. Cunningham Glen, Mr. Westlake, and Mr. F. Lawrence spoke on the question; and Mr. Worsley replied.

### EXAMINATIONS AT THE INCORPORATED LAW SOCIETY.

HILARY TERM, 1863.

AT the examination of candidates for admission on the roll of attorneys and solicitors of the Superior Courts, the Examiners recommended the following gentlemen, under the age of twenty-six, as being entitled to honorary distinction:—

1. Cartmell Harrison, aged twenty-one, who served his clerkship to Mr. Thomas Harrison, of Kendal, and Mr. Thomas Johnston, of London.

2. James Hartley John, aged twenty-four, who served his clerkship to Messrs. Corser & Fowler, of Wolverhampton, and Messrs. Miller & Smith, of London.

3. Alexander Bruce Dennistoun Sword, the younger, aged twenty-one, who served his clerkship to Messrs. Whitworth, of Manchester, and Messrs. Gregory & Rowcliffes, of London.

4. John Woodcock, aged twenty-one, who served his clerkship to Messrs. Thomas Woodcock, of Haslingden, and Messrs. Holgate & Roberts, of Rochdale.

5. Albert Kaye Rollit, aged twenty-one, who served his clerkship to Mr. John Rollit, of Hull.

The Council of the Incorporated Law Society have accordingly awarded the following prizes of books:—

To Mr. Harrison, the prize of the Honourable Society of Clifford's Inn.

To Mr. John, the prize of the Honourable Society of Clement's Inn.

To Mr. Sword, one of the prizes of the Incorporated Law Society.

To Mr. Woodcock, one of the prizes of the Incorporated Law Society.

To Mr. Rollit, one of the prizes of the Incorporated Law Society.

The Examiners have also certified that the following candidates, whose names are placed in alphabetical order, passed examinations which entitle them to commendation:—

Thomas Beaumont, aged twenty-one, who served his clerkship to Mr. William Ansell Day, Mr. William Reynolds Prideaux, and Messrs. Smale & Torr, of London.

Henry Cadman the younger, aged twenty-one, who served his clerkship to Messrs. Carr, of Gomersal, near Leeds.

Thomas Davenport Goodman, aged twenty-three, who served his clerkship to Messrs. Challinor, Badnall, & Challinor, of Leek, and Messrs. Gregory & Rowcliffes, of London.

Robert William Griffith, B. A., aged twenty-five, who served his clerkship to Mr. Alfred Henderson, of Bristol.

Robert Francis Loosemore, aged twenty-two, who served his clerkship to Mr. John Loosemore, of Tiverton.

John Henry Waeick, aged twenty-two, who served his clerkship to Mr. George John Shaw, of London.

James Webber the younger, aged twenty-four, who served his clerkship to Mr. Hanslip Palmer, of Upwell, near Wisbeach.

Frederick Hume Wilcox, aged twenty-five, who served his clerkship to Mr. James Septimus Robinson, of Sunderland, and Messrs. Clarke & Morice, of London.

The Council have accordingly awarded them certificates of merit.

The Examiners have further announced to the following candidates that their answers to the questions at the examination were highly satisfactory, and would have entitled them to prizes or certificates of merit if they had been under the age of twenty-six:—

1. Joseph Francis Swann, aged twenty-nine, who served his clerkship to Messrs. Stuart & Maesey, of London, and Messrs. Tweed & Hughes, of Lincoln.

2. Richard Austen Dale, aged twenty-seven, who served his clerkship to Mr. Robert Henry William Bartlett, of Wolverhampton.

3. Thomas Goffey, aged twenty-eight, who served his clerkship to Mr. Thomas Avison, of Liverpool; and Alfred Thomas Cox, aged thirty-one, who served his clerkship to Messrs. Greville & Tucker, of London.

The number of candidates examined in this term was 106; of these 98 were passed, and 8 postponed.

By order of the Council,

EDWARD WALTER WILLIAMSON,  
Secretary.

Law Society's Hall, Jan. 29, 1863.

### Court Papers.

### EQUITY SITTINGS, AFTER HILARY TERM, 1863.

#### Court of Chancery.

*Before the LORD CHANCELLOR.*

*At Lincoln's Inn.*

Tuesday .... Feb. 10	{ First Seal.—Appeal Motions and Appeals.
Wednesday .... 11	{ Petitions and Appeals.
Thursday .... 12	
Friday .... 13	
Saturday .... 14	{ Appeals.
Monday .... 16	
Tuesday .... 17	
Wednesday .... 18	{ Appeals in Bankruptcy and Appeals.
Thursday .... 19	{ Second Seal.—Appeal Motions and Appeals.
Friday .... 20	
Saturday .... 21	
Monday .... 23	{ Appeals.
Tuesday .... 24	
Wednesday .... 25	{ Appeals in Bankruptcy and Appeals.
Thursday .... 26	{ Third Seal.—Appeal Motions and Appeals.
Friday .... 27	
Saturday .... 28	
Monday .... Mar. 2	{ Appeals.
Tuesday .... 3	
Wednesday .... 4	{ Appeals in Bankruptcy and Appeals.
Thursday .... 5	{ Fourth Seal.—Appeal Motions and Appeals.
Friday .... 6	
Saturday .... 7	
Monday .... 9	{ Appeals.
Tuesday .... 10	
Wednesday .... 11	{ Appeals in Bankruptcy and Appeals.
Thursday .... 12	{ Fifth Seal.—Appeal Motions and Appeals.
Friday .... 13	
Saturday .... 14	{ Appeals.
Monday .... 16	
Tuesday .... 17	
Wednesday .... 18	{ Appeals in Bankruptcy and Appeals.
Thursday .... 19	{ Sixth Seal.—Appeal Motions and Appeals.
Friday .... 20	{ Appeals.
Saturday .... 21	{ Petitions and Appeals.

N. B.—Such days as his Lordship shall be engaged in the House of Lords are excepted.

### *Before the LORDS JUSTICES.*

*At Lincoln's Inn.*

Tuesday .... Feb. 10	{ First Seal.—Appeal Motions and Appeals.
Wednesday .... 11	{ Appeals.
Thursday .... 12	
Friday .... 13	{ Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .... 14	
Monday .... 16	{ Appeals.
Tuesday .... 17	
Wednesday .... 18	
Thursday .... 19	{ Fifth Seal.—Appeal Motions and Appeals.
Friday .... 20	{ Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .... 21	
Monday .... 23	{ Appeals.
Tuesday .... 24	
Wednesday .... 25	
Thursday .... 26	{ Third Seal.—Appeal Motions and Appeals.
Friday .... 27	{ Petitions in Lunacy, Appeal Petitions and Appeals.
Saturday .... 28	
Monday .... Mar. 2	{ Appeals.
Tuesday .... 3	
Wednesday .... 4	
Thursday .... 5	{ Fourth Seal.—Appeal Motions and Appeals.
Friday .... 6	{ Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .... 7	
Monday .... 9	{ Appeals.
Tuesday .... 10	
Wednesday .... 11	
Thursday .... 12	{ Fifth Seal.—Appeal Motions and Appeals.
Friday .... 13	{ Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .... 14	
Monday .... 16	{ Appeals.
Tuesday .... 17	
Wednesday .... 18	
Thursday .... 19	{ Sixth Seal.—Appeal Motions and Appeals.
Friday .... 20	{ Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .... 21	{ Appeals.

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

### *Before the MASTER OF THE ROLLS.*

*At Chancery-lane.*

Tuesday .... Feb. 10	{ First Seal.—Motions and General Paper.
Wednesday .... 11	
Thursday .... 12	{ General Paper.
Friday .... 13	
Saturday .... 14	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .... 16	
Tuesday .... 17	{ General Paper.
Wednesday .... 18	
Thursday .... 19	{ Second Seal.—Motions and General Paper.
Friday .... 20	{ General Paper.
Saturday .... 21	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .... 23	
Tuesday .... 24	{ General Paper.
Wednesday .... 25	
Thursday .... 26	{ Third Seal.—Motions and General Paper.
Friday .... 27	{ General Paper.



Saturday .....	26	Petitions, Short Causes, Adjourned Summons, and General Paper.
Monday .... Mar. 2		
Tuesday .....	3	General Paper.
Wednesday ....	4	
Thursday .....	5	Fourth Seal.—Motions and General Paper.
Friday .....	6	General Paper.
Saturday .....	7	Petitions, Short Causes, Adjourned Summons, and General Paper.
Monday .....	9	
Tuesday .....	10	General Paper.
Wednesday ....	11	
Thursday .....	12	Fifth Seal.—Motions and General Paper.
Friday .....	13	General Paper.
Saturday .....	14	Petitions, Short Causes, Adjourned Summons, and General Paper.
Monday .....	16	
Tuesday .....	17	General Paper.
Wednesday ....	18	
Thursday .....	19	Sixth Seal.—Motions and General Paper.
Friday .....	20	General Paper.
Saturday .....	21	Petitions, Short Causes, Adjourned Summons, and General Paper.

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

*At Lincoln's Inn.*

Tuesday .... Feb. 10		First Seal.—Motions, Adjourned Summons, and General Paper.
Wednesday ....	11	
Thursday .....	12	General Paper.
Friday .....	13	Petitions, Adjourned Summons, and General Paper.
Saturday .....	14	Short Causes, Adjourned Summons, and General Paper.
Monday .....	16	
Tuesday .....	17	General Paper.
Wednesday ....	18	
Thursday .....	19	Second Seal.—Motions, Adjourned Summons, and General Paper.
Friday .....	20	Petitions, Adjourned Summons, and General Paper.
Saturday .....	21	Short Causes, Adjourned Summons, and General Paper.
Monday .....	23	
Tuesday .....	24	General Paper.
Wednesday ....	25	
Thursday .....	26	Third Seal.—Motions, Adjourned Summons, and General Paper.
Friday .....	27	Petitions, Adjourned Summons, and General Paper.
Saturday .....	28	Short Causes, Adjourned Summons, and General Paper.
Monday .... Mar. 2		
Tuesday .....	3	General Paper.
Wednesday ....	4	
Thursday .....	5	Fourth Seal.—Motions, Adjourned Summons, and General Paper.
Friday .....	6	Petitions, Adjourned Summons, and General Paper.
Saturday .....	7	Short Causes, Adjourned Summons, and General Paper.
Monday .....	9	
Tuesday .....	10	General Paper.
Wednesday ....	11	
Thursday .....	12	Fifth Seal.—Motions, Adjourned Summons, and General Paper.
Friday .....	13	Petitions, Adjourned Summons, and General Paper.
Saturday .....	14	Short Causes, Adjourned Summons, and General Paper.

Monday .....	16	
Tuesday .....	17	General Paper.
Wednesday ....	18	
Thursday .....	19	Sixth Seal.—Motions, Adjourned Summons, and General Paper.
Friday .....	20	Petitions, Adjourned Summons, and General Paper.
Saturday .....	21	Short Causes, Adjourned Summons, and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.*

*At Lincoln's Inn.*

Tuesday .... Feb. 10		First Seal.—Motions.
Wednesday ....	11	Causes, &c.
Thursday .....	12	
Friday .....	13	Petitions, Causes, &c.
Saturday .....	14	Short Causes, Causes, &c.
Monday .....	16	
Tuesday .....	17	Causes, &c.
Wednesday ....	18	
Thursday .....	19	Second Seal.—Motions, Causes, &c.
Friday .....	20	Petitions, Causes, &c.
Saturday .....	21	Short Causes, Causes, &c.
Monday .....	23	
Tuesday .....	24	Causes, &c.
Wednesday ....	25	
Thursday .....	26	Third Seal.—Motions, Causes, &c.
Friday .....	27	Petitions, Causes, &c.
Saturday .....	28	Short Causes, Causes, &c.
Monday .... Mar. 2		
Tuesday .....	3	Causes, &c.
Wednesday ....	4	
Thursday .....	5	Fourth Seal.—Motions, Causes, &c.
Friday .....	6	Petitions, Causes, &c.
Saturday .....	7	Short Causes, Causes, &c.
Monday .....	9	
Tuesday .....	10	Causes, &c.
Wednesday ....	11	
Thursday .....	12	Fifth Seal.—Motions, Causes, &c.
Friday .....	13	Petitions, Causes, &c.
Saturday .....	14	Short Causes, Causes, &c.
Monday .....	16	
Tuesday .....	17	Causes, &c.
Wednesday ....	18	
Thursday .....	19	Sixth Seal.—Motions, Causes, &c.
Friday .....	20	Petitions, Causes, &c.
Saturday .....	21	Short Causes, Causes, &c.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

No Cause, Motion for Decree, or Further Consideration shall, except by order of the Court, be marked to stand over, if it shall be within twelve of the last cause or matter in the printed paper of the day for hearing.

*Before the Vice-Chancellor Sir W. P. WOOD.*

*At Lincoln's Inn.*

Tuesday .... Feb. 10		First Seal.—Motions and General Paper.
Wednesday ....	11	
Thursday .....	12	General Paper.
Friday .....	13	
Saturday .....	14	Petitions, Short Causes, and General Paper.
Monday .....	16	
Tuesday .....	17	General Paper.
Wednesday ....	18	
Thursday .....	19	Second Seal.—Motions and General Paper.
Friday .....	20	General Paper.
Saturday .....	21	Petitions, Short Causes, and General Paper.

Monday.....	23	} General Paper.
Tuesday.....	24	
Wednesday....	25	
Thursday.....	26	} Third Seal.—Motions and General Paper.
Friday.....	27	
Saturday.....	28	} Petitions, Short Causes, and General Paper.
Monday....Mar. 2		
Tuesday.....	3	} General Paper.
Wednesday....	4	
Thursday.....	5	} Fourth Seal.—Motions and General Paper.
Friday.....	6	
Saturday.....	7	} Petitions, Short Causes, and General Paper.
Monday.....	8	
Tuesday.....	10	} Causes, &c.
Wednesday....	11	
Thursday.....	12	} Fifth Seal.—Motions and General Paper.
Friday.....	13	
Saturday.....	14	} Petitions, Short Causes, and General Paper.
Monday.....	16	
Tuesday.....	17	} General Paper.
Wednesday....	18	
Thursday.....	19	} Sixth Seal.—Motions and General Paper.
Friday.....	20	
Saturday.....	21	} Petitions, Short Causes, and General Paper.

N. B.—Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put in the paper to be so heard.

### COURT OF QUEEN'S BENCH.

HILARY TERM, 26 VICT.—Jan. 21, 1863.

This Court will on Monday the 2nd, Tuesday the 3rd, and Monday the 9th days of February next, and the five following days, hold sittings, and will proceed in disposing of the cases in the New Trial and Crown Papers, and any other matter then pending; and will also hold a sitting on Saturday, the 21st day of February next, at ten o'clock, for the purpose of giving judgments only.

BY THE COURT.

PALMER, JOHN, Torquay, Devonshire, plater, Feb. 5, Newton Abbot Off. Ass. Pidsley; Sol. Michellmore, Newton Abbot and Totnes.—Pet. f. Jan. 22.

PROCTER, JOHN, Liverpool, builder, Feb. 2, Liverpool. Off. Ass. Turner.—Adj. Jan. 15.

ROBINSON, JOHN, Stockport, Cheshire, provision dealer, Feb. 4, Manchester. Off. Ass. Herniman; Sols. Cobbett & Co., Manchester.—Pet. f. Jan. 20.

ROSE, GEORGE, Stokenchurch, Oxfordshire, chair turner, Feb. 16, High Wycombe. Off. Ass. Parker.—Adj. Jan. 8.

SKOREY, CHARLES, Corfe Mullen, Dorsetshire, carpenter, Jan. 30, Wimborne Minster. Off. Ass. Rawlins; Sol. Moore, Wimborne Minster.—Pet. f. Jan. 13.

SINGLETON, JOHN, Chesterfield, Derbyshire, shopkeeper, Feb. 3, Derby. Off. Ass. Weller; Sol. Leech, Derby.—Pet. f. Jan. 16.

SMITH, GEORGE, Northampton, carpenter, Feb. 7, Northampton. Off. Ass. Dennis; Sols. Shield & Co., Northampton.—Pet. f. Jan. 19.

SMITH, JAMES, Nottingham, lace manufacturer, Feb. 23, Nottingham. Off. Ass. Patchitt; Sol. Wood, Nottingham.—Pet. f. Jan. 20.

SMITH, STEPHEN, Kirmington, Lincolnshire, tile maker, Feb. 4, Brigg. Off. Ass. Hett; Sol. Pettlingell, Kingston-upon-Hull.—Pet. f. Jan. 14.

SQUIRES, JOHN, Carlisle, Cumberland, Feb. 26, Carlisle. Off. Ass. Halton; Sol. Wannop, Carlisle.—Pet. f. Jan. 19.

STEEL, JOHN, St. Bees, Cumberland, farmer, Feb. 3, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Musgrave, Whitehaven; Griffith & Co., Newcastle-upon-Tyne.—Pet. f. Jan. 13.

STEWART, JOHN, Liverpool, clerk at a warehouse, Feb. 2, Liverpool. Off. Ass. Hime; Sol. Blackhurst, Liverpool.—Pet. f. Jan. 15.

STOCKTON, JOSEPH, Newcastle-under-Lyme, Staffordshire, farmer, Feb. 6, Birmingham. Off. Ass. Whitmore; Sol. James & Co., Birmingham.—Pet. f. Jan. 19.

SYBES, JOHN MILNE, Liverpool and Bootle, oil refiner, Feb. 5, Liverpool. Off. Ass. Morgan; Sol. Morris, Liverpool.—Pet. f. Jan. 20.

SYKES, WILLIAM, Liverpool, licensed hawkers, Feb. 5, Liverpool. Off. Ass. Hime; Sol. Thornley, Liverpool.—Pet. f. Jan. 19.

THOMSON, JAMES DAY COLLIS, Liverpool, dealer in paraffin oil, Feb. 3, Liverpool. Off. Ass. Morgan; Sol. Pemberton, Liverpool.—Pet. f. Jan. 19.

TREVOR, JOHN, Chesapeake, Warwickshire, out of business, March 2, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Jan. 21.

TURNER, RICHARD, Dudley, Worcestershire, boiler maker, Feb. 6, Birmingham. Off. Ass. Whitmore; Sol. Warminton, Dudley.—Pet. f. Jan. 19.

TURRELL, GEORGE HARLAND, Earlsbam, Suffolk, out of business, Feb. 2, Framlingham. Off. Ass. Clubbe; Sol. Read, Halesworth.—Pet. f. Jan. 19.

WATSON, JOHN, Lincoln, saddler, Feb. 4, Lincoln. Off. Ass. Uppeley; Sols. Brown & Co., Lincoln.—Pet. f. Jan. 19.

WILSON, JOHN SEATON, North Newbald, Yorkshire, foreman of works, Jan. 30, Hull. Off. Ass. Phillips; Sols. Eaton & Co., Hull.—Pet. f. Jan. 16.

WORTON, BENJAMIN, Birmingham, edge tool maker, March 2, Birmingham. Off. Ass. Guest; Sol. Assider, Birmingham.—Pet. f. Jan. 19.

### BANKRUPTCY ANNULLED.

RAWLINS, JOHN, Toley-place, Oxford-street, coachmaker.

TUESDAY, Jan. 27.

### BANKRUPTS.

To be heard in London.

BALL, AONES, High-street, Shoreditch, crinoline maker, Feb. 10. Off. Ass. Stansfeld; Sol. Bartley, 4, Bartlett's-buildings, Holborn.—Pet. f. Jan. 23.

BESLEY, HENRY, Southampton, hatter, Feb. 12. Off. Ass. Graham; Sols. Paterson & Co., 7, Bouverie-street; Mackay, Southampton.—Pet. f. Jan. 23.

BEICHER, GEORGE, Reading, shopman to a grocer, Feb. 14. Off. Ass. Edwards; Sol. Peverley, 19, Coleman-street.—Pet. f. Jan. 22.

BRIND, WILLIAM, Ebenezer-terrace, Mill-wall, Poplar, butcher, Feb. 10. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 23.

BRISTOW, GEORGE, Ovington-square, South Kensington, dealer in wines, Feb. 10. Off. Ass. Cannan; Sol. Murray, 26, Great St. Helen's.—Pet. f. Jan. 19.

CHILD, ALFRED WILLIAMS, Mildmay-road, Islington, commission agent, Feb. 10. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 22.

CUMMING, JOHN, Leadenhall-street, merchant, Feb. 12. Off. Ass. Graham; Sol. Rae, 9, Mincing-lane.—Pet. f. Jan. 16.

DICKENSON, JOHN, Bloomfield-street North, Kingsland, out of business, Feb. 12. Off. Ass. Graham; Sol. Porter, 32, Coleman-street.—Pet. f. Jan. 21.

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HALL, WILLIAM AUGUSTUS, Little Knight Ryder-street, manufacturer of silk, and Upper Tachbrook-street, Picnic, linen draper, Feb. 12. Off. Ass. Graham; Sols. Reed & Co., 1, Guildhall-chambers.—Pet. f. Jan. 24.

HARRIS, JOHN, Sloane-street, Chelsea, artist, Feb. 12. Off. Ass. Graham; Sol. Smith, 7, Lincoln's-inn-fields.—Pet. f. Jan. 22.

HEWITT, JOHN, Campbell-street, Hall-park, Paddington, out of business, Feb. 10. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 23.

LAWRENCE, JOHN JAMES, White Hart-street, Kennington-road, of no occupation, Feb. 14. Off. Ass. Edwards; Sol. Dean, 27, New Broad-street.—Pet. f. Jan. 24.

LITTLEJOHN, PETER, Lansdowne-place, Brunswick-square, out of employment, Feb. 14. Off. Ass. Edwards; Sol. Catchpole, 23, Great Tower-street.—Pet. f. Jan. 20.

MEAD, FREDERICK TUDOR, Writtle, Essex, out of business, Feb. 10. Off. Ass. Cannan; Sols. Preston & Co., 131, Gresham-street.—Pet. f. Jan. 22.

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PURR, WILLIAM WATTS, Stowmarket, Suffolk, ironmonger, Feb. 10. Off. Ass. Graham; Sols. Walter & Co., 8, Southampton-street, Bloomsbury.—Pet. f. Jan. 20.

ROGERS, HENRY, Cambridge-road, Mile-end, cheesemonger, Feb. 13. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 23.

SKUDDER, RICHARD, Deptford, wheelwright, Feb. 14. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. Jan. 19.

SLATER, WILLIAM, Ponderson-gardens, Bethnal-green-road, umbrella maker, Feb. 14. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 22.

**SEWARD, JOHN**, Stokesby, Norfolk, horsedealer, Feb. 10. *Off. Ass. Graham*; *Sol. Aldridge*, 46, Moorgate-street.—Adj. Jan. 16.  
**SYER, JOSEPH WILLIAM**, George-street, Shoreditch, cabinet maker, Feb. 10. *Off. Ass. Stansfeld*; *Sol. Hill*, 43, Basinghall-street.—Pet. f. Jan. 22.  
**TATE, WILLIAM**, Tothill-street, Westminster, lead merchant, Feb. 10. *Off. Ass. Stansfeld*; *Sols. Harrison & Co.*, 24, Old Jewry.—Pet. f. Jan. 26.  
**WESTLAKE, JAMES**, North-place, Gray's-inn-lane, wheelwright, Feb. 14. *Off. Ass. Edwards*; *Sol. Lewis*, 2, Raymond-buildings, Gray's-inn.—Pet. f. Jan. 19.  
**WILKINS, DANIEL SPENCER**, Nelson-square, Southwark, general agent, and King William-street, City, secretary to the Prize Medal Flour Company, Limited, Feb. 14. *Off. Ass. Edwards*; *Sol. Neal*, Pinner's-hall, Old Broad-street.—Pet. f. Jan. 22.  
**WILSON, JAMES**, Plumstead, Kent, carpenter, Feb. 10. *Off. Ass. Graham*; *Sol. Aldridge*, 46, Moorgate-street.—Adj. Jan. 19.

*To be heard in the Country.*

**ABRAM, ELIZABETH JEWISON**, Altrincham, Cheshire, out of business, Feb. 12, Manchester. *Off. Ass. Fraser*; *Sol. Henwood*, Manchester.—Pet. f. Jan. 23.  
**BARNES, GEORGE**, Cowfold, Sussex, schoolmaster, Feb. 2, Cuckfield. *Off. Ass. Waugh*; *Sol. Goodman*, Brighton.—Pet. f. Jan. 17.  
**BARNETT, JOHN**, Newtown, Montgomeryshire, out of business, Feb. 9, Newtown. *Off. Ass. Woomam*; *Sol. Jones*, Newtown.—Pet. f. Jan. 19.  
**BOLTON, JAMES**, Barrow, in Furness, Lancashire, butcher, Feb. 10, Manchester. *Off. Ass. Fraser*; *Sols. Sale & Co.*, Manchester.—Pet. f. Jan. 22.  
**BOYLE, WILLIAM**, Hulme, Lancashire, merchant's clerk, Feb. 9, Manchester. *Off. Ass. Pott*; *Sol. Elloff*, Manchester.—Pet. f. Jan. 23.  
**BRIERLEY, HENRY**, Halifax, Yorkshire, wood turner, Feb. 12, Halifax. *Off. Ass. Dyson*; *Sol. Jubb*, Halifax.—Pet. f. Jan. 23.  
**BROOMHALL, EDMUND**, Ekington, Worcestershire, butcher, Feb. 24, Pershore. *Off. Ass. Hudson*; *Sol. Wilson*, Worcester.—Pet. f. Jan. 15.  
**BROWN, JOHN**, Llanddulas, Denbighshire, farmer, Feb. 10, Liverpool. *Off. Ass. Turner*; *Sol. Harrison*, Holywell.—Pet. f. Jan. 24.  
**BUXTON, JOSEPH**, Manchester, out of business, Feb. 7, Salford. *Off. Ass. Hulton*; *Sol. Swan*, Manchester.—Pet. f. Jan. 17.  
**CLEARE, ROBERT**, Sheltnham, Suffolk, fowl dealer, Feb. 10, Thetford. *Off. Ass. Clarke*; *Sol. Walpole*, Beyton Lodge.—Pet. f. Jan. 21.  
**DOCKRAY, ISAAC**, Brigham, Cumberland, innkeeper, Feb. 9, Cockermouth. *Off. Ass. Waugh*; *Sol. Hayton*, Cockermouth.—Pet. f. Jan. 19.  
**EDWARDS, JOHN**, Bridgeorth, Shropshire, butcher, Feb. 9, Birmingham. *Off. Ass. Whitmore*; *Sols. Burbury, Bewley*; *Assinder*, Birmingham.—Pet. f. Jan. 22.  
**FOLLETT, RONCKLIEFF**, Bristol, miller, Feb. 6, Bristol. *Off. Ass. Miller*; *Sols. Belan & Co.*, Bristol.—Pet. f. Jan. 23.  
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**GABRIELSEN, GABRIEL PISCUS**, Liverpool, importer of foreign merchandise, Feb. 10, Liverpool. *Off. Ass. Morgan*; *Sols. Evans & Co.*, Liverpool.—Pet. f. Jan. 24.  
**GOOD, WILLIAM**, Liverpool, milliner, Feb. 9, Liverpool. *Off. Ass. Morgan*; *Sol. Tyrer*, Liverpool.—Pet. f. Jan. 23.  
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**HARDAKER, SAMUEL**, Pudsey, near Leeds, tea dealer, Feb. 17, Bradford. *Off. Ass. Robinson*; *Sol. Haigh*, Huddersfield.—Pet. f. Jan. 16.  
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No. 422, NEW SERIES.—Vol. IX.  
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FEBRUARY 7, 1863.

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## GAZETTES.—FRIDAY, Jan. 30.

## BANKRUPTS.

*To be heard in London.*

**BAKER, JOHN EDWARD**, Cheapside, shoemaker, and Providence-buildings, New Kent-road, draper, Feb. 17. *Off. Ass. Stansfeld; Sol. Holt, Quality-court, Chancery-lane.*—*Pet. f. Jan. 28.*

**BATCHLOR, CHARLES ANDREW**, St. John's-street, Clerkenwell, brass-founder, Feb. 17. *Off. Ass. Stansfeld; Sol. Howell, 61, Cheapside.*—*Pet. f. Jan. 27.*

**BENNETT, WILLIAM MORGAN**, and **ROGERS, HENRY JAMES VANZORLEN**, Cornhill, merchants, Feb. 17. *Off. Ass. Stansfeld; Sol. Chidley, Old Jewry.*—*Pet. f. Jan. 16.*

**BUNCOMBE, ROBERT**, Brompton-row, Knightsbridge, chemist, Feb. 12. *Off. Ass. Graham; Sol. Poole, 58, Bartholomew-close.*—*Pet. f. Jan. 24.*

**BURKE, EDMUND DANIEL**, Upper John-street, Fitzroy-square, in no occupation, Feb. 24. *Off. Ass. Edwards; Sol. Scott, 7, Staple-inn.*—*Pet. f. Jan. 26.*

**BUTLER, ELIZA MARIA**, Romford, Essex, Feb. 17. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Jan. 21.*

**BUTLER, JOHN**, Ash, near Farnham, Surrey, corn dealer, Feb. 17. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Jan. 20.*

**CASEY, ELIZA**, Cowley, Oxfordshire, coal dealer, Feb. 10. *Off. Ass. Stansfeld; Sols. Bartlett, Abingdon; Ford & Co., 4, Bloomsbury-square.*—*Pet. f. Jan. 27.*

**CHESTERMAN, GEORGE**, Hungerford, Wiltshire, postmaster, Feb. 17. *Off. Ass. Cannan; Sols. Richards & Co., 29, Lincoln's-inn-fields; Cave, Newbury.*—*Pet. f. Jan. 26.*

**COWELL, WILLIAM**, Hatfield Peverel, Essex, veterinary surgeon, Feb. 17. *Off. Ass. Cannan; Sol. Duffield, 30, Cornhill.*—*Pet. f. Jan. 27.*

**CURTIS, JOHN EDMUND BURNINGHAM**, Gravesend, barrister-at-law, Feb. 12. *Off. Ass. Graham; Sols. Tilleard & Co., 34, Old Jewry.*—*Pet. f. Jan. 26.*

**DOLMAN, ROBERT**, Paul-street, Lower Islington, comedian, Feb. 17. *Off. Ass. Cannan; Sol. Wetherfield, 35, Moorgate-street.*—*Pet. f. Jan. 28.*

**FOLTHORP, ROBERT**, Brighton, bookseller, Feb. 17. *Off. Ass. Edwards; Sols. Lawrence & Co., 14, Old Jewry-chambers.*—*Pet. f. Jan. 26.*

**GODFREY, EDWARD**, Thorney Iver, Buckinghamshire, licensed victualler, Feb. 17. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Jan. 28.*

**GUY, JAMES WILLIAM**, Cannon-row, Westminster, clerk, Feb. 12. *Off. Ass. Graham; Sol. Mander, 9, Lincoln's-inn.*—*Pet. f. Jan. 27.*

**HARRIS, JOHN**, White-street, Little Moorfields, and Moor-lane, farrier, Feb. 15. *Off. Ass. Edwards; Sol. Buchanan, 13, Basinghall-street.*—*Pet. f. Jan. 26.*

**HART, JOSEPH**, Alfred-terrace, Gloster-road, Grange-road, Bermondsey, out of business, Feb. 10. *Off. Ass. Stansfeld; Sol. Harrison, 61, Basinghall-street.*—*Pet. f. Jan. 27.*

**HEMPFMAN, WILLIAM**, High-street, Poplar, shipwright, Feb. 17. *Off. Ass. Edwards; Sol. Keene, 77, Lower Thames-street.*—*Pet. f. Jan. 24.*

**LANDREY, RICHARD**, Manchester-street, Gray's-inn-road, linen draper, Feb. 12. *Off. Ass. Graham; Sols. Kidder & Co., 22, Calthorpe-street, Gray's-inn-road.*—*Pet. f. Jan. 27.*

**LAWKEY, JOHN RICHARD**, Old-street, St. Luke's, cabinet maker, Feb. 14. *Off. Ass. Edwards; Sol. Hutson, 20, Upper Clifton-street, Finsbury.*—*Pet. f. Jan. 26.*

**LINGHAM, JAMES TRALE**, Woolwich, auctioneer, Feb. 17. *Off. Ass. Edwards; Sol. Spencer, Coleman-street-buildings.*—*Pet. f. Jan. 29.*

**MAIN, HENRY ALFRED DYSON**, Warren-street, Fitzroy-square, and Castle-street, Oxford-street, crinoline manufacturer, Feb. 10. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Jan. 26.*

**MUDIE, JOHN MACKINTOSH**, Lewisham, Kent, merchant, Feb. 17. *Off. Ass. Cannan; Sol. Barrow, 15, Cannon-street West.*—*Pet. f. Jan. 27.*

**MUSGRAVE, CHRISTOPHER**, Poultons-square, Chelsea, in no trade, Feb. 10. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Jan. 26.*

**PIDGORE, THOMAS**, Tennis-place, King-street, Borough, coach builder, Feb. 17. *Off. Ass. Cannan; Sol. Chipperfield, 3, Trinity-street, Southwark.*—*Pet. f. Jan. 28.*

**PRINCE, JOHN J'ANSON**, Eleanor-road, Hackney, grocer, Feb. 10. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Jan. 16.*

**ST. MAINE, HENRY**, Crescent-place, Burton-crescent, St. Pancras, professor of dancing, Feb. 10. *Off. Ass. Stansfeld; Sol. Grayson, 43, Burton-crescent.*—*Pet. f. Jan. 27.*

**SIMESTER, SAMUEL HUGH**, New-cross, Deptford, commission agent, Feb. 17. *Off. Ass. Cannan; Sol. Weekes, 10, Symond's-inn.*—*Pet. f. Jan. 26.*

**STARK, JOHN**, Mawby-road, Old Kent-road, porter to an upholsterer, Feb. 10. *Off. Ass. Stansfeld; Sol. Buchanan, 13, Basinghall-street.*—*Pet. f. Jan. 26.*

**STUART, CHARLES**, Union-square, New North-road, wholesale milliner, Feb. 17. *Off. Ass. Edwards; Sol. Parke, 37, Moorgate-street.*—*Pet. f. Jan. 24.*

**SWINBORN, WILLIAM**, Salisbury-place, Locksfield, Walworth, boot-maker, Feb. 10. *Off. Ass. Graham; Sol. Buchanan, 13, Basinghall-street.*—*Pet. f. Jan. 27.*

**TRUMAN, ISAAC**, Edward-street, Bethnal-green-road, horse dealer, Feb. 10. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Jan. 28.*

**TUCKER, RICHARD**, Foundling-terrace, Gray's-inn-road, and Little James-street, Gray's-inn-lane, coach maker, Feb. 10. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Jan. 26.*

**TUMMONS, JOHN**, Thornton Heath, near Croydon, licensed victualler, Feb. 17. *Off. Ass. Cannan; Sol. Todd, 75, Newgate-street.*—*Pet. f. Jan. 26.*

**WILSON, THOMAS**, Great Titchfield-street, carpenter, Feb. 10. *Off. Ass. Stansfeld; Sol. Rae, 9, Mincing-lane.*—*Pet. f. Jan. 28.*

*To be heard in the Country.*

**ANDBREY, JOSEPH**, Stafford, licensed victualler, Feb. 16, Birmingham. *Off. Ass. Whitmore; Sols. Hinds, Stafford; Hodgson & Co., Birmingham.*—*Pet. f. Jan. 26.*

**BODE, CLAUDE GERHARD**, Liverpool, merchant, Feb. 11, Liverpool. *Off. Ass. Turner; Sols. Evans & Co.*—*Pet. f. Jan. 28.*

**CHAMBERLAIN, SAMUEL**, Crediton, Devonshire, marine-store dealer, Feb. 23, Crediton. *Off. Ass. Tanner; Sol. Fryer, Exeter.*—*Pet. f. Jan. 27.*

**COOK, REUBEN CHRISTMAS**, Lowestoft, Suffolk, bill poster, Feb. 13, Lowestoft. *Off. Ass. Chater; Sol. Seago, Lowestoft.*—*Pet. f. Jan. 23.*

**COPP, BENJAMIN**, Wolstanton, Staffordshire, collier, Feb. 14, Hanley. *Off. Ass. Challinor; Sol. Sutton, Burslem.*—*Pet. f. Jan. 27.*

**CROCKFORD, ROBERT**, Winchester, Hampshire, lodging-house keeper, Feb. 10, Winchester. *Off. Ass. Godwin; Sol. Bailey, Winchester.*—*Pet. f. Jan. 27.*

**DAVIS, HARRY**, Speen, Berkshire, upholsterer, Feb. 11, Newbury. *Off. Ass. Vines; Sol. Talbot, Newbury.*—*Pet. f. Jan. 26.*

**DINWOODIE, JOHN**, Chester, butcher, Feb. 11, Liverpool. *Off. Ass. Morgan; Sols. Evans & Co., Liverpool.*—*Pet. f. Jan. 26.*

**EDGECOMBE, WILLIAM KINGWILL**, Ashburton, Devonshire, draper, Feb. 17, Exeter. *Off. Ass. Hirtzel; Sols. Bevan & Co., Bristol; Terrell, Exeter.*—*Pet. f. Jan. 16.*

**ELLINGWORTH, JAMES RICHARD**, Leicester, shoe finisher, Feb. 11, Leicester. *Off. Ass. Ingram; Sol. Rawlins, Market Harborough.*—*Pet. f. Jan. 26.*

**GILL, HENRY YOUNG**, Bradford, Yorkshire, grocer, Feb. 17, Bradford. *Off. Ass. Robinson; Sol. Hill, Bradford.*—*Pet. f. Jan. 27.*

**GRAVES, JOHN**, Old Bolingbroke, Lincolnshire, lime burner, Feb. 11, Spilsby. *Off. Ass. Walker; Sol. Walker, Alford.*—*Pet. f. Jan. 26.*

**GREEN, THOMAS**, Lowdham, Nottinghamshire, veterinary surgeon, Feb. 11, Newark. *Off. Ass. Newton; Sol. Heathcote, Nottingham.*—*Pet. f. Jan. 24.*

**GREENFIELD, MARTIN**, Liverpool, bricklayer, Feb. 11, Liverpool. *Off. Ass. Turner; Sol. Horner, Liverpool.*—*Pet. f. Jan. 26.*

**HARDING, FREDERICK GEORGE**, Gillingham, Dorsetshire, corn merchant, Feb. 11, Exeter. *Off. Ass. Hirtzel; Sols. Kaines, Gillingham; Terrell, Exeter.*—*Pet. f. Jan. 24.*

**HATTON, HENRY**, Aston Rowant, Oxfordshire, common carrier, Feb. 9, Thame. *Off. Ass. Holloway; Sol. Parker, Thame.*—*Pet. f. Jan. 21.*

**HAYES, THOMAS**, Great Malvern, Worcestershire, builder, Feb. 16, Birmingham. *Off. Ass. Whitmore; Sol. Francis, Birmingham.*—*Pet. f. Jan. 26.*

**HOLLIN, WILLIAM**, Leicester, printer, Feb. 11, Leicester. *Off. Ass. Ingram; Sol. Chamberlain, Leicester.*—*Pet. f. Jan. 26.*

**HOLLOWAY, GEORGE**, White Waltham, near Maidenhead, Berkshire, licensed victualler, Feb. 14, Windsor. *Off. Ass. Darvill; Sol. Marshall, 12, Hatton-garden.*—*Pet. f. Jan. 24.*

**HORROCKS, JAMES**, Liverpool, victualler, Feb. 12, Liverpool. *Off. Ass. Morgan; Sol. Bremner, Liverpool.*—*Pet. f. Jan. 27.*

**HUTCHINSON, JOSEPH**, Cliburn, Westmoreland, farmer, Feb. 11, Penrith. *Off. Ass. Varty; Sol. Donald, Carlisle.*—*Pet. f. Jan. 28.*

**ION, RICHARD**, St. Woollos, Monmouthshire, bookkeeper, Feb. 11, Newport. *Off. Ass. Roberts; Sol. Llewellyn, Newport.*—*Pet. f. Jan. 14.*

**JOHNSTON, ROBERT**, Liverpool, drysalter, Feb. 13, Liverpool. *Off. Ass. Hime; Sol. Pemberton, Liverpool.*—*Pet. f. Jan. 23.*

**KEIGHLEY, JOHN**, Chorlton-upon-Medlock, Manchester, licensed victualler, Feb. 13, Manchester. *Off. Ass. Fraser; Sol. Gardner, Manchester.*—*Adj. Jan. 16.*

**LEEDHAM, GEORGE**, Nottingham, lace manufacturer, Feb. 17, Nottingham. *Off. Ass. Harris; Sol. Parsons, Nottingham.*—*Pet. f. Jan. 14.*

**LYNAS, WILLIAM**, Chorlton-upon-Medlock, Manchester, butter merchant, Feb. 11, Nottingham. *Off. Ass. Harris; Sols. Cubbert & Co., Manchester.*—*Pet. f. Jan. 26.*

**MACKAY, WILLIAM**, West Hartlepool, Durham, agent, Feb. 11, Newcastle-upon-Tyne. *Off. Ass. Baker; Sols. Ingledew & Co., Newcastle-upon-Tyne.*—*Pet. f. Jan. 27.*

**MALCOLM, JOHN HEAP**, Manchester, broker, Feb. 23, Manchester. *Off. Ass. Kay; Sol. Elton, Manchester.*—*Pet. f. Jan. 28.*

**MANNELL, BENJAMIN JACKSON**, Chesterfield, Derbyshire, builder, Feb. 14, Sheffield. *Off. Ass. Young; Sol. Fretson, Sheffield.*—*Pet. f. Jan. 28.*

**MARCOSE, JAMES**, Birmingham, out of business, Feb. 12, Birmingham. *Off. Ass. Whitmore; Sol. Parry, Birmingham.*—*Pet. f. Jan. 26.*

**MARTIN, JOHN**, Market Harborough, Leicestershire, cabinet maker, Feb. 17, Birmingham. *Off. Ass. Whitmore; Sols. Douglas, Market Harborough; James & Co., Birmingham.*—*Pet. f. Jan. 28.*

**MORGAN, GEORGE**, Birmingham, out of business, Feb. 20, Birmingham. *Off. Ass. Kineard; Sol. Parry, Birmingham.*—*Pet. f. Jan. 26.*

**NICHOLSON, DONALD**, Liverpool, milliner, Feb. 12, Liverpool. *Off. Ass. Hime; Sol. Pemberton, Liverpool.*—*Pet. f. Jan. 23.*

**NORMAN, JOHN**, Dulverton, Somersetshire, butcher, Feb. 10, Tiverton. *Off. Ass. Daw; Sol. Warren, Dulverton.*—*Pet. f. Jan. 27.*

**OTTAWAY, WILLIAM**, Marlton, Devonshire, out of business, Feb. 9, Totnes. *Off. Ass. Bryett; Sol. Carter, Torquay.*—*Pet. f. Jan. 28.*

**PATNE, ADEL**, Brighton, baker, Feb. 18, Brighton. *Off. Ass. Evershed; Sol. Goodman, Brighton.*—*Pet. f. Jan. 28.*

**PETT, WILLIAM**, Birmingham, schoolmaster, Feb. 20, Birmingham. *Off. Ass. Kinnear; Sols. James & Co., Birmingham.*—*Pet. f. Jan. 26.*

**POWELL, WATKIN**, Merthyr Tydfil, Glamorganshire, victualler, Feb. 11, Merthyr Tydfil. *Off. Ass. Russell; Sol. Plews, Merthyr Tydfil.*—*Pet. f. Jan. 27.*

**RILEY, WILLIAM**, and **RILEY, THOMAS**, Lichfield, plumbers, Feb. 20, Birmingham. *Off. Ass. Kinnear; Sols. Crabb, Rugeley; James & Co., Birmingham.*—*Pet. f. Jan. 24.*

**RITCHIE, GEORGE**, Longlight, near Manchester, commercial clerk, Feb. 23, Manchester. *Off. Ass. Kay; Sol. Needham, Manchester.*—*Pet. f. Jan. 27.*

[For continuation of Gazette, see p. 42.]

## CONTENTS.

London Gazette .....	38
Leading Article .....	39
Inadequate Punishment for Personal Violence .....	41
Spring Circuits of the Judges .....	41
List of Sheriffs appointed by her Majesty in Council, for 1863 .....	42

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

<i>In re Newton's Patent.</i> —( <i>Patent—Foreign patent—Prolongation</i> )—15 & 16 Vict. c. 83, s. 25) .....	109
--	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Goeling v. Goeling.</i> —( <i>Will—Construction of remoteness</i> ) .....	109
--	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

<i>Van Grutten v. Digby.</i> —( <i>Husband and wife—Antenuptial settlement—Foreign domicil of husband—Jurisdiction</i> ) .....	111
--	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister-at-Law.

<i>Clarke v. Macintosh and Another, and Macintosh and Another v. Clarke.</i> —( <i>Vendor and purchaser—Brevoery—Specific performance—Misrepresentation alleged by answer and cross bill</i> ) .....	114
<i>In re The Trustee Relief Act, 10 &amp; 11 Vict. c. 96, and In re The Trusts of the Will of William Serjeant.</i> —( <i>Will—Construction—Conditional limitations</i> ) .....	116

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

<i>Hendrick v. Wood.</i> —( <i>Plea—Jurisdiction</i> ) .....	117
--	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

<i>Reg. v. The Justices of the West Riding of Yorkshire.</i> —( <i>Highway—Diversion—Quarter sessions—Order for costs of appeal</i> )—5 & 6 Will. 4, c. 50, ss. 85, 86, 90) .....	118
<i>Parker, App., Boughey, Resp.</i> —( <i>Loan society—Order of justices for payment of promissory note</i> )—3 & 4 Vict. c. 110, s. 16) .....	118

## BAIL COURT.

By G. FRANCIS, Barrister at Law.

<i>Hart v. Duke.</i> —( <i>Arbitration—Revoking order of reference—Misruling of arbitrator</i> ) .....	119
--	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

<i>Kennedy v. Broun et Uxor.</i> —( <i>Barristers' fees—Barristers' right to contract for fees for litigation—Honorarium—Account stated—Relation of counsel and clients</i> ) .....	119
---	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

<i>Lord Norbury v. Kitchin.</i> —( <i>Riparian rights—Excessive use of water—Taking to a distance—Machinery</i> ) .....	132
---	-----

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. E. BROWNING, Barrister at Law.

<i>Wallace v. Wallace, Gutter, and Macnamara.</i> —( <i>Amendment of petition</i> ) .....	134
---	-----

## COURT OF ADMIRALTY.

By W. E. BROWNING, Barrister at Law.

<i>The Wild Ranger.</i> —( <i>Collision between British and foreign ships on the high seas—Merchant Shipping Act, 1854, sect. 504</i> ) .....	134
---	-----

## THE JURIST.

LONDON, FEBRUARY 7, 1863.

IN a recent number (ante, p. 20), when noticing the case of *Kennedy v. Broun*, we entertained a hope that we should have, if not a total exemption from bar scandals for the future, at least a temporary respite from them. In that hope we have, however, been sadly disappointed, as will be seen from the following report of certain proceedings at the Middlesex Sessions, which is taken from *The Iron Times* of Wednesday, the 21st January. Most of the italics are our own:—

"James Barry was charged with stealing lead.

"Mr. Cooper appeared for the prosecution; Mr. Dickie for the prisoner.

"The foreman of the prosecutors, in answer to questions put by the counsel for the prisoner, said that he had given no instructions to any one to prosecute.

"Mr. Cooper said that he was instructed by an attorney named 'Jay.' The brief was delivered to his clerk Soper.

"Soper said the brief was delivered to him by a man named Littlewood, but upon being called no one answered to that name.

"The Assistant Judge said that Soper before had been guilty of misconduct, and he should disallow the costs.

"At a later period of the day Mr. Cooper applied that the case of Abraham Walton might not be taken to-day.

"The Assistant Judge said that he had before him two notices from different attorneys to prosecute—one from Jay and the other from Doughty.

"Mr. Cooper said that he did not know how to act; he was instructed by Mr. Doughty.

"The clerk of the court.—I do not find Mr. Doughty's name in the Law List.

"Soper, Mr. Cooper's clerk, here came in, and, in an officious manner, marshalled the prosecutrix up the court.

"The Assistant Judge said that Soper seemed to be acting in a very strange manner, not at all like a barrister's clerk.

"Soper, in an impertinent manner, replied that he thought he was acting quite properly and professionally.

"The Assistant Judge observed, that if Soper was not more respectful, he should order him out of court.

"Soper replied that he might do as he chose; he did no more than other clerks.

"The Assistant Judge then directed that Soper be not admitted inside the precincts of the court.

"Mr. Ribton observed that Mr. Cooper's clerk had committed all sorts of irregularities, and that when complaints were made against Soper, Mr. Cooper had put his fist in the gentleman's face who had complained, and threatened him with personal violence.

"Mr. Cooper here arose, and, in a very excited manner, said to Mr. Ribton—*It is a lie! You are a vulgar-minded hound, and a contemptible hound!*

"Mr. Ribton said he should not pay any attention to any vulgar abuse Mr. Cooper might say in court. He should treat it with contempt.



"The altercation continued for some minutes, and a scene disgraceful in the extreme ensued.

"The Court hoped, that after the heat of passion had passed, Mr. Cooper would apologise for the words he had used.

"Mr. Cooper said that he would apologise to the Court willingly, but that he could not, after the great provocation he had received from a certain individual, apologise to him.

"Mr. Ribton said, that since the transaction he alluded to before—namely, Mr. Cooper putting his fist in a brother barrister's face—he had not spoken to him. The conduct of Soper had been very bad.

"Mr. Cooper said that Mr. Ribton's statement was utterly false, every word of it. Soper had a good character from Mr. Pitt Taylor and from Montague Chambers, Q. C., and he (Mr. Cooper) could get a character from the Norfolk Circuit. His clerk was made a scapegoat. Complaints had been made against Mr. Ribton's clerk.

"Mr. Ribton.—*That is an unqualified falsehood.*

"Mr. Cooper.—*You tell a gross falsehood, and your white face shews that you know it.*

"Mr. Ribton said he could not stand such language.

"Mr. Bodkin said he must stop this altercation. He hoped the Bar would take the matter up."

We have no desire to enter upon the question which gave rise to this disgraceful scene, namely, whether Mr. Cooper's clerk was or was not guilty of irregular conduct; or, supposing the affirmative, whether that conduct was with or without the connivance of his master. We shall merely take up the transaction at the point when Mr. Ribton, in a manner apparently uncalled for, thrust himself into it; from which moment both parties forgot not only all respect for the tribunal, and all regard for professional courtesy, but the most ordinary rules of decorum. And their conduct is aggravated by the circumstance, that both are of considerable standing at the bar, one of them being, we believe, the senior practitioner at those sessions. Nor is this all. Mr. Cooper has been for many years a revising barrister, and from having consequently so often discharged the functions of a judge, ought to know and feel what is due to any tribunal before which he is practising. Mr. Ribton also, if our memory does not mislead us, has recently addressed a constituency, with the view of adding a unit to the collective wisdom of the Legislature. But the scene before us shews that his education for the House of Commons is yet deplorably defective. No assembly that has any respect for itself would allow of language similar to that addressed by him on the present occasion to Mr. Cooper; and if he had used it in the House of Commons, he would in a very few minutes have found himself in the custody of the Serjeant-at-Arms.

The members of the Bar who engaged in this unseemly contest are not, however, the only parties to blame. What must be said of the judge, especially a judge of Mr. Bodkin's experience, who sat and listened to the above foul and disgusting language, without visiting it with instant reproof and punishment? Far, however, from taking this course, Mr. Bodkin merely says that he must stop the altercation, which

had already lasted some time, and mildly expresses a hope that "the Bar would take the matter up." But where was that Bar? At the Middlesex Sessions there is no Bar mess; and we believe one of the combatants is its leader: added to which, they belong to different circuits. It is whispered, indeed, that the Benchers of Lincoln's-inn, of which both the learned persons in question are members, intend to inquire into the matter.

But suppose that this affair had occurred on circuit, or other place where there was a tribunal of the Bar at hand to take cognisance of professional misconduct, was the matter one exclusively for that tribunal? We should say most certainly not. The Court, in whose presence the misconduct was committed, should have looked on it in its true light, as a disrespect to the tribunal, and an insult to the majesty of justice, and as such should have punished it instantly by severe reprimand, if not by fine or committal.

It may be thought by some that it would have been more judicious in us to have allowed this disgusting altercation to pass without notice, especially as it took place before a tribunal which is not only of an inferior order, but one which has never been conspicuous for courtesy of manner, or over observance of decorum. But we have not acted without due deliberation. A report of the scene having appeared in some of the public prints, absolute suppression of it is impossible, even if desirable; for it is by no means clear to us, that when conduct of this kind is allowed to pass uncensured by those whose duty it was to notice it in the first instance, publicity is also to be withheld, in order to render the impunity of its authors more complete, and stimulate others to copy their evil example. Besides, it may not be generally known that the eminent foreign jurists, so many of whom visit our shores for the purpose of studying our laws and institutions, attend very constantly in our criminal courts, especially the Central Criminal Court, the Middlesex Sessions, &c., in order to observe the working of our jury system. It is not only possible, but very probable, that there were some such foreigners present among the audience at the above disgraceful scene; and it is needless to observe how grievously the English Bar, English tribunals, and England itself, must have suffered in their estimation. Nay, more; the pens of such foreigners are as busy as their eyes and ears; and we put it to any Englishman, what would be his feelings if he saw a report of the above scene, in French or German, circulated in legal periodicals on the continent. We hope that the rumour of the interference of Lincoln's-inn is not unfounded; if it is, the consequence will be that this affair will be hushed up, as many others have been, to the disgrace alike of the Profession and of the administration of justice in this land.

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W. H. Willes, Esq., formerly County Court Judge of Circuit No. 1 (Northumberland, &c.), and whose transference to Circuit No. 54 (Bristol, &c.) we very recently noticed (*ante*, p. 22), has died suddenly, having sat in his new judicial seat only once or twice.

INADEQUATE PUNISHMENT FOR PERSONAL VIOLENCE.

WE insert the following letter to *The Times*, which press of matter has hitherto prevented our noticing:—

"Sir,—If you think the cause of justice will in any way be aided by calling further attention to the savage assault case brought before the Thames Police-court on Saturday, I shall feel greatly obliged if you will allow me to make a few remarks on the subject.

According to the report, a fellow, described as a thief and a ruffian, struck the complainant, a young woman, a desperate blow on the head, which felled her to the ground, and then kicked her on the head till she was senseless; and she remained in that condition for some time; so that, in point of fact, she was almost kicked to death. She was taken to a surgeon, who dressed a severe wound on her head; and the poor thing, under proper treatment, recovered sufficiently to attend and give her evidence. The police, who, unfortunately, are but too well accustomed to scenes of brutality, described the assault as 'a most atrocious one,' and the punishment awarded was six weeks' imprisonment, with hard labour; which means just enough exercise to keep the savage in health, develop the muscular system, and six weeks' excellent feeding. A dreadfully merciful system!

Surely it is time to revise our correctional code, so as to define and limit the power of police magistrates, for some of them seem to defy observation, and to smile at rebuke.

I have the honour to be, Sir, your most obedient servant,  
Dec. 29.

GEORGE ELLIS."

We wish we could believe that this case stood alone; but long observation of the conduct of our police magistrates forbids us to entertain any such pleasing illusion.

Perhaps, however, these functionaries are not the only parties to blame. The inferior officers of a Government usually act in the spirit of their superiors; and the examples of imbecility, credulity, and mistaken humanity displayed towards criminals, both by our legislators and the executive, may well be pleaded by our police magistrates as excuses for similar conduct on their part.

COURT OF EXCHEQUER.

HILARY TERM, 26 VICT.—Jan. 28, 1863.

This Court will hold sittings on Monday, the 9th, Tuesday the 10th, Wednesday the 11th, Thursday the 12th, Friday the 13th, and Saturday the 14th days of February next, and will at such sittings proceed in disposing of the business then pending in the paper of New Trials and in the Special Paper, and in giving judgment in matters then standing for judgment.

FREDERICK POLLOCK.

SAMUEL MARTIN.

W. F. CHANNELL.

JAMES WILDE.

CIRCUITS OF THE JUDGES.

(Mr. Justice BLACKBURN will remain in Town).

SPRING CIRCUITS, 1863.	HOMER.	NORFOLK.	MIDLAND.	NORTHERN.	OXFORD.	N. WALES.	S. WALES.	WESTERN.
	CJ Cockburn J. Wightman	L. C. J. Erie J. Williams	LCB Pollock J. Willes	B. Martin J. Keating	J. Crompton B. Channell	B. Bramwell	J. Mellor	J. Byles B. Wilde
Tuesday, Feb. 17	.....	.....	.....	Lancaster	.....	.....	.....	.....
Friday .....	.....	.....	.....	Appleby	.....	.....	.....	.....
Monday .....	.....	.....	.....	Carlisle	.....	.....	.....	.....
Wednesday .....	.....	.....	.....	Reading	.....	Haverfordw.	.....	.....
Thursday .....	.....	.....	Oakham	Newcastle &	.....	[& Town	.....	.....
Saturday .....	.....	.....	Northampton.	[Town	.....	.....	.....	Winchester
Monday, Mar. 2	.....	.....	.....	.....	Oxford	.....	Cardigan	.....
Tuesday .....	.....	.....	.....	Durham	.....	.....	Carmarthen	.....
Wednesday .....	Hertford	.....	Leicester and	.....	.....	.....	.....	.....
Thursday .....	.....	.....	[Borough	.....	Worcester &	.....	.....	.....
Friday .....	.....	.....	.....	.....	[City	.....	.....	Dorchester
Saturday .....	.....	.....	Nottingham	York & City	.....	.....	.....	.....
Monday .....	Chelmsford	Aylesbury	[& Town	.....	.....	.....	Swansea	.....
Tuesday .....	.....	.....	.....	.....	Stafford	.....	.....	.....
Wednesday .....	.....	.....	.....	.....	.....	Welchpool	.....	Exeter & City
Thursday .....	.....	.....	Lincoln and	.....	.....	.....	.....	.....
Friday .....	.....	Bedford	[City	.....	.....	Bala	.....	.....
Monday .....	Maidstone	.....	.....	.....	.....	Ruthin	.....	.....
Tuesday .....	.....	Huntingdon	.....	.....	.....	.....	.....	.....
Wednesday .....	.....	.....	Derby	.....	.....	.....	.....	Bodmin
Thursday .....	.....	Cambridge	.....	.....	.....	Beaumaris	Brecon	.....
Saturday .....	.....	.....	.....	Liverpool	Shrewsbury	.....	.....	Taunton
Monday .....	Lewes	.....	Warwick	.....	.....	Carnarvon	.....	.....
Tuesday .....	.....	Bury St. Ed.	.....	.....	.....	.....	.....	.....
Wednesday .....	.....	.....	.....	.....	Hereford	.....	Presteign	.....
Thursday .....	.....	.....	.....	.....	.....	Mold	.....	.....
Friday .....	Kingston	.....	.....	.....	.....	.....	.....	Devises
Saturday .....	.....	Norwich and	.....	.....	.....	Chester &	Chester &	.....
Monday .....	.....	[City	.....	.....	Monmouth	[City	[City	.....
Tuesday .....	.....	.....	.....	.....	.....	.....	.....	Bristol
Satur., April 4	.....	.....	.....	.....	Glouc. & City	.....	.....	.....

ALTERATION BY ORDER.—North Wales—Bala, Saturday, March 14; Ruthin, Tuesday, 17; Beaumaris, Friday, 20.

# LIST OF SHERIFFS APPOINTED BY HER MAJESTY IN COUNCIL FOR 1863.

*Bedfordshire*—Benjamin Helps Storey, Esq., Milton Earnest.  
*Berkshire*—James Blyth, Esq., Woolhampton House, near Newbury.

*Buckinghamshire*—Phillips Cosby Lovett, Esq., Liscombe House.

*Camb. & Hunts.*—Denzil Onslow, Esq., Great Staughton.

*Cheshire*—Sir Charles Watkin Shakerley, Bart., Somersford Park.

*Cumberland*—William Nicholson Hodgson, Esq., Newby Grange, Carlisle.

*Derbyshire*—Sir Henry Flower Every, Bart., Eggington.

*Devonshire*—Sir George Stucley Stucley, Bart., Hartland Abbey, Bideford.

*Dorsetshire*—George Whieldon, Esq., Wyke Hall, Gillingham.

*Durham*—John Richard Westgarth Hildyard, Esq., Horsley. *Essex*—George Palmer, Esq., Nazing.

*Gloucestershire*—Philip William Skynner Miles, Esq., King's Weston, near Bristol.

*Herefordshire*—William Bridgman, Esq., Weston-under-Penyard, near Ross.

*Hertfordshire*—Samuel Richard Block, Esq., Greenhill Grove, Chipping Barnet.

*Kent*—Samuel Long, Esq., Bromley Hill.

*Leicestershire*—John Martin, Esq., Whetton House.

*Lincolnshire*—George Charles Uppley, Esq., Barrow.

*Monmouthshire*—Henry Martyn Kennard, Esq., Crumlin Hall, near Newport.

*Norfolk*—Joseph Stonehewer Scott Chad, Esq., Thursford.

*Northamptonshire*—George Ashby Ashby, Esq., Naseby.

*Northumberland*—Watson Askew, Esq., Pallinsburn.

*Nottinghamshire*—John Henry Manners Sutton, Esq., Kelham.

*Oxfordshire*—Thomas Taylor, Esq., Aston House.

*Rutlandshire*—Hon. Henry Lewis Noel, Exton Park.

*Shropshire*—Thomas Charlton Whitmore, Esq., Apley Park.

*Somersetshire*—George Treweeke Scobell, Esq., Kingwell.

*Southampton*—Melville Portal, Esq., Laverstoke House, Mitcheldever Station.

*Staffordshire*—Thomas Bagnall, Esq., West Bromwich.

*Suffolk*—John William Brooke, Esq., Sibton Park.

*Surrey*—Lewis Lloyd, Esq., Monk's Orchard, near Croydon.

*Sussex*—John Charles Fletcher, Esq., Dale Park, Arundel.

*Warwickshire*—Charles Marriott Caldecott, Esq., Holbrook Grange, Rugby.

*Westmoreland*—William Wilson, Esq., High Park, near Kendal.

*Wiltshire*—Thomas Fraser Grove, Esq., Fern.

*Worcestershire*—Richard Hemming, Esq., Bentley Manor, Bromsgrove.

*Yorkshire*—John Hope Barton, Esq., Stapleton Park, near Pontefract.

## WALES—NORTH AND SOUTH.

*Anglesey*—Robert Lloyd Jones Parry, Esq., Tregalan.

*Breconshire*—Thomas De Winton, Esq., Cefn Cantreff.

*Cardiganshire*—Price Lewis, Esq., Gwastod, near Lampeter.

*Carmarthenshire*—Isaac Horton, Esq., Ystrad.

*Carnarvonshire*—John Platt, Esq., Bryn-y-neuodd.

*Denbighshire*—John Lloyd, Esq., Rhagatt, Corwen.

*Flintshire*—Charles Butler Clough, Esq., Llwyn Offa.

*Glamorganshire*—John Popkin Traherne, Esq., Coytrahene.

*Merionethshire*—Howel Morgan, Esq., Hengwrtuchaf.

*Montgomeryshire*—John Dugdale, Esq., Llwyn.

*Pembrokeshire*—William Rees, Esq., Scoveston.

*Radnorshire*—Henry Thomas, Esq., Pencerrig.

ROBINSON, THOMAS, Pontefract, Yorkshire, innkeeper, Feb. 11, Pontefract. Off. Ass. Coleman; Sol. Bantoft, Selby.—Pet. f. Jan. 26.

ROYLE, EDWARD, Broughton, Manchester, artist, Feb. 14, Salford. Off. Ass. Hulton; Sol. Myers, Manchester.—Pet. f. Jan. 26.

SANFORD, HENRY, Exeter, sharebroker, Feb. 13, Exeter. Off. Ass. Hirtzel; Sol. Flood, Exeter.—Pet. f. Jan. 17.

SIMONS, SAMUEL, Bingham, Nottinghamshire, assistant smallware dealer, Feb. 13, Bingham. Off. Ass. Patchitt; Sol. Buttery, Bingham.—Pet. f. Jan. 24.

SMELLY, THOMAS, Manchester, commission agent, Feb. 10, Manchester. Off. Ass. Fou; Sol. Sudlow, Manchester.—Pet. f. Jan. 26.

SMITH, HUGH STEPHENSON, Timperley, Cheshire, teacher, Feb. 16, Manchester. Off. Ass. Hernaman; Sol. Storer, Manchester.—Pet. f. Jan. 23.

SMITH, JOHN, Bedlington, Northumberland, out of business, Feb. 12, Morpeth. Off. Ass. Brumell; Sol. Swan, Morpeth.—Pet. f. Jan. 19.

STALKER, ELIZABETH, Bowness, Cumberland, innkeeper, Feb. 11, Wigton. Off. Ass. Were; Sol. Carrick, Wigton.—Pet. f. Jan. 28.

TAYLOR, JOSEPH, Badsey, Worcestershire, out of business, Feb. 13, Evesham. Off. Ass. Cheek; Sol. Eades, Evesham.—Pet. f. Jan. 22.

THOMPSON, WILLIAM, Longton, Staffordshire, beer seller, Feb. 13, Chesdale. Off. Ass. Daniel; Sol. Winstanley, Newcastle-under-Lyme.—Pet. f. Jan. 27.

THORP, SAMUEL, Heaton Norris, Lancashire, builder, Feb. 20, Manchester. Off. Ass. Hernaman; Sol. Gardner, Manchester.—Adj. Jan. 16.

THORPE, CHARLES, Sheffield, Yorkshire, draper, Feb. 14, Sheffield. Off. Ass. Young; Sol. Broadbent, Sheffield.—Pet. f. Jan. 27.

TIPPINS, THOMAS, Clytha, Monmouthshire, farmer, Feb. 13, Bristol. Off. Ass. Acraman; Sols. Roberts, Monmouth; Henderson, Bristol.—Pet. f. Jan. 24.

TURRELL, GEORGE HARLAND, Earlsbam (and not Earlsbam, as before advertised), Suffolk, out of business, Feb. 9, Framlingham. Off. Ass. Cluabbe; Sol. Read, Halesworth.—Pet. f. Jan. 19.

UARY, WILLIAM, St. Denys Portsmouth, Southampton, builder, Feb. 14, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Jan. 26.

WALLIS, CORNELIUS, Cheltenham, Gloucestershire, innkeeper, Feb. 10, Cheltenham. Off. Ass. Gale; Sol. Chesshyre, Cheltenham.—Pet. f. Jan. 26.

WILLIS, LEWIS WILLIAM, Cardiff, Glamorganshire, outfitter, Feb. 9, Cardiff. Off. Ass. Langley; Sol. Wilcocks, Cardiff.—Pet. f. Jan. 27.

WOOD, CHARLES, Birmingham, engraver, March 2, Birmingham. Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Jan. 26.

WRIGHT, GEORGE, Blakenhall, Cheshire, farmer, Feb. 16, Nantwich. Off. Ass. Broughton; Sol. Edleston, Nantwich.—Pet. f. Jan. 28.

WRIGHT, ROBERT, Heworth, Durham, out of business, Feb. 14, Gateshead. Off. Ass. Ingledew; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Jan. 26.

## BANKRUPTCIES ANNULLED.

RAMSAY, ROBERT, Wood-street, London, upholstery trimming manufacturer.

RIDER, THOMAS, Leeds, warehouseman.

## PARTNERSHIPS DISSOLVED.

ROGERSON, THOMAS, and PEACOCK, JOHN, Liverpool, attorneys.

TWEED, JOHN THOMAS, and HUGHES, CHARLES LEADBITTER, Lincoln, attorneys and solicitors.

## TUESDAY, Feb. 3.

### BANKRUPTS.

#### To be heard in London.

BAKER, THOMAS, South Mimms, Middlesex, labourer, Feb. 24. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 26.

BARNARD, MARY, Sloane-street, Chelsea, out of business, Feb. 17. Off. Ass. Cannan; Sols. Stevens & Co., 6, Old Jewry.—Pet. f. Jan. 30.

BASTARD, GEORGE JAMES, Gravesend, carpenter, Feb. 17. Off. Ass. Stansfeld; Sols. Morgan, Maidstone; Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. Jan. 30.

BENSON, JOHN JEREMIAH, St. Paul's-road, Walworth, general dealer, Feb. 17. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 29.

BOND, JOSEPH, Queen-street-place, Lincoln's-inn-fields, assistant in a woollen warehouse, Feb. 17. Off. Ass. Stansfeld; Sol. Westall, 3, Gray's-inn-square.—Pet. f. Jan. 30.

BROWN, HENRY KITZIER, Bedford-terrace, Union-road, Southwark, assistant doorkeeper at the House of Lords, Feb. 17. Off. Ass. Cannan; Sol. Aubyn, 38, Moorgate-street.—Pet. f. Jan. 29.

BRUNTON, ROBERT, Wessenharn, All Saints, Norfolk, farmer, Feb. 19. Off. Ass. Graham; Sols. Sudd, Norwich; Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. Jan. 29.

CARR, FRANK, Robinson's-row, Kingsland, out of business, Feb. 19. Off. Ass. Graham; Sol. Pennerby, Coleman-street.—Pet. f. Jan. 30.

DAVIS, ELIAS, Little Alie-street, Goodman's-fields, jeweller, Feb. 17. Off. Ass. Cannan; Sol. Bartley, 4, Bartlett's-buildings.—Pet. f. Jan. 31.

DAVIS, WILLIAM, Four Dove-court, St. Martin's-le-Grand, dairyman, Feb. 17. Off. Ass. Cannan; Sol. Beard, 10, Basinghall-street.—Pet. f. Jan. 30.

FINNER, JOSEPH, Draycott-place, Chelsea, director of Criceth Slate Company (Limited), Feb. 17. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 29.

GALIBERT, CALISTE; GALIBERT, THEODORE; GALIBERT, ANTOINE; and GALIBERT, CASSIMIR, George-yard, Aldermanbury; Paris and Millan, France; and Montreal, Canada, leather merchants, Feb. 19. Off. Ass. Graham; Sol. Brandon & Co., 15, Essex-street, Strand.—Pet. f. Jan. 17.

GIBBS, JOHN, Wall-street, Hackney, out of business, Feb. 17. Off. Ass. Cannan; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Jan. 31.

HARDING, ROBERT STANFORD, New Broad-street, and Queen's-road, Dalston, auctioneer, Feb. 17. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 29.

HELLICAR (and not HELICAR, as before advertised), FRANKERICK ILES, Southampton-street, Pentonville, grocer, Feb. 10. Off. Ass. Stansfeld; Sols. Reed & Co., 1, Guildhall-chambers.—Pet. f. Jan. 26.

JENNINGS, JAMES, Gravel-lane, Southwark, stationer, Feb. 17. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 29.

LEWISODON, GEORGE, Poole, Dorsetshire, commercial traveller, Feb. 17. Off. Ass. Edwards; Sol. Weymouth, 13, Clifford's-inn.—Pet. f. Jan. 30.

LEWIS, EDWARD, High-street, Marylebone, grocer, Feb. 19. Off. Ass. Graham; Sols. Lapid & Co., 9, Cloak-lane, Cannon-street.—Pet. f. Jan. 19.

M'LELLAN, JOHN, Wymondham, Norfolk, draper, Feb. 17. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 16.

MARLEY, AUGUSTE ALEXANDRE, Bedford-street, Strand, out of business, Feb. 19. Off. Ass. Graham; Sol. Howell, 61, Chapside.—Pet. f. Jan. 30.

MARDENSON, JOHN, Aldershot, Hampshire, clerk, Feb. 17. Off. Ass. Stansfeld; Sols. Jones, 5, New-inn, Strand; Paffard, Portsea.—Pet. f. Feb. 2.

MARTIN, CLAUDIUS, Park-villa, Turnham-green-road, clerk to a scientific institution, Feb. 17. Off. Ass. Stansfeld; Sol. Howell, 61, Chapside.—Pet. f. Jan. 29.

MARTIN, WILLIAM STAPLES, Waterford-road, Walham-green, Fulham, and Crane-court, Fleet-street, editor of a weekly periodical, Feb. 19. Off. Ass. Graham; Sol. Gosaly, 6, Symond's-inn, Chancery-lane.—Pet. f. Jan. 28.

MEDLEY, HENRY, Castle-street, Holborn, tailor, Feb. 17. Off. Ass. Edwards; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. Jan. 27.

MOULD, GEORGE, Santander, Spain, contractor, Feb. 17. Off. Ass. Stansfeld; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Jan. 16.

MURKIN, GEORGE LAWRENCE, Little Tower-street, City, commission agent, Feb. 19. Off. Ass. Graham; Sol. George, 5, Sise-lane, Bucklersbury.—Pet. f. Jan. 29.

PACKER, BRAUGHTON, Newland, Northampton, shoe manufacturer, Feb. 17. Off. Ass. Graham; Sol. Phillips, 10, Old Jewry-chambers.—Pet. f. Jan. 29.

PARTINGTON, JOHN, Pickering-place, Bayswater, grocer, Feb. 17. Off. Ass. Cannan; Sol. Herring, 17, Stafford-street, Marylebone-road.—Pet. f. Jan. 30.

RACKHAM, MATTHEW ROBERT, Norwich, bill broker, Feb. 17. Off. Ass. Edwards; Sols. Storey, 6, King's-road, Bedford-row; Mendham & Co., Norwich.—Pet. f. Jan. 16.

RANDALL, WILLIAM HENRY, Brook-street, Lambeth, out of business, Feb. 17. Off. Ass. Stansfeld; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Feb. 2.

RICHARDSON, WILLIAM HAMMOND, London-street, Fenchurch-street, commission agent, Feb. 17. Off. Ass. Edwards; Sol. Abbott, 1, St. Mark-street, Great Prescott-street.—Pet. f. Jan. 30.

SPEDDING, CHARLES, Sun-street, Bishopsgate-street, and Grove-street, Victoria-park, saddler's ironmonger, Feb. 17. Off. Ass. Cannan; Sols. Keighley & Co., 73, Basinghall-street.—Pet. f. Jan. 29.

TART, JOHN, Hillingdon, near Uxbridge, brickmaker, Feb. 17. Off. Ass. Graham; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. Jan. 27.

TURLEY, WILLIAM, Margaret-street, Cavendish-square, tailor, Feb. 17. Off. Ass. Edwards; Sol. Greenwood, 89, Chancery-lane.—Pet. f. Jan. 28.

WALKER, HENRY, Northampton-place, St. John's-street-road, Clerkenwell, builder, Feb. 17. Off. Ass. Graham; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Jan. 28.

#### To be heard in the Country.

ALDESON, JAMES, Halifax, Yorkshire, overlooker, Feb. 13, Leeds. Off. Ass. Young; Sols. Wavell & Co., Halifax; Bond & Co., Leeds.—Pet. f. Jan. 30.

ANDREWS, GEORGE, King's Lynn, Norfolk, out of business, Feb. 19, King's Lynn. Off. Ass. Wilson; Sol. Wilkin, King's Lynn.—Pet. f. Jan. 29.

ASTON, EDWARD, Wolverhampton, ground bailiff, Feb. 16, Wolverhampton. Off. Ass. Brown; Sol. Bartlett, Wolverhampton.

BATTY, FRANCIS, and BATTY, THOMAS, Liverpool, builders, Feb. 19, Liverpool. Off. Ass. Turner; Sol. Luce & Co., Liverpool.—Pet. f. Jan. 30.

BELL, JAMES, Wednesbury, Staffordshire, greengrocer, Feb. 18, Walsall. Off. Ass. Clarke; Sol. Brevitt, Darlaston.

BLAKE, JOHN GEORGE, and BLAKE, REMIGIUS, Monkwearmouth, Durham, sile manufacturers, Feb. 16, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Simey, Sunderland.—Pet. f. Jan. 31.

BOARDMAN, ROBERT, Farnworth, near Bolton, provision dealer, Feb. 16, Bolton. Off. Ass. Holden; Sol. Richardson, Bolton.—Pet. f. Jan. 30.

BROUGH, PETER, Bowness, Cumberland, grocer, Feb. 13, Wigton. Off. Ass. Ware; Sol. Carrick, Wigton.—Pet. f. Jan. 29.

BRYSON, JAMES, Liverpool, provision merchant, Feb. 24, Liverpool. Off. Ass. Morgan; Sol. Radcliffe, Liverpool.—Pet. f. Jan. 28.

BULLAS, JOHN, Felsall, Staffordshire, licensed victualler, Feb. 18, Walsall. Off. Ass. Clarke; Sol. Jackson, West Bromwich.

BURNETT, CHARLES PHILLIP, Lincoln, tailor, Feb. 16, Lincoln. Off. Ass. Uppeley; Sols. Brown & Co., Lincoln.—Pet. f. Jan. 31.

CARTER, GEORGE, Biddulph, Staffordshire, grocer, Feb. 16, Birmingham. Off. Ass. Whitmore; Sols. Wilson & Co., Congleton; James & Co., Birmingham.—Pet. f. Jan. 29.

CATT, JAMES, King's Lynn, Norfolk, coachbuilder, Feb. 19, King's Lynn. Off. Ass. Wilson; Sol. Drake, East Dereham.—Pet. f. Jan. 30.

COCK, THOMAS, Clifton, Bristol, licensed victualler, Feb. 13, Bristol. Off. Ass. Harley; Sol. Brittan.—Adj. Jan. 26.

COOKE, THOMAS, Kilsby, Northamptonshire, innkeeper, Feb. 17, Rugby. Off. Ass. Hubbard; Sol. Smalbones, Coventry.—Pet. f. Jan. 29.

CORNISH, NICHOLAS, Newton St. Cyres, Devonshire, farmer, Feb. 18, Exeter. Off. Ass. Hirtzel; Sol. Floud, Exeter.—Pet. f. Jan. 28.

COTTER, WILLIAM, Chittlehampton, Devonshire, farmer, Feb. 16, Southmolton. Off. Ass. Crosse; Sols. Gribble & Co., Barnstaple.—Pet. f. Jan. 31.

CRITCHLOW, JOSEPH, Bakewell, Derbyshire, innkeeper, Feb. 14, Sheffield. Off. Ass. Young; Sols. Cutts, Chesterfield; Smith & Co., Sheffield.—Pet. f. Jan. 31.

DAVIS, SAMUEL, Yatton, Somersetshire, saddler, Feb. 13, Bristol. Off. Ass. Harley; Sols. Clifton & Co.—Pet. f. Jan. 28.

DUGGAN, JOSEPH, Birmingham, plumber, Feb. 20, Birmingham. Off. Ass. Kinnear; Sols. Southall & Co., Birmingham.—Pet. f. Jan. 30.

ELLIS, JOHN, Chester, painter, Feb. 13, Chester Castle. Off. Ass. Wilson; Sol. Cartwright, Chester.—Pet. f. Jan. 30.

FERRIS, JACOB, South Wrexhall, Wiltshire, yeoman, Feb. 13, Bristol. Off. Ass. Miller; Sols. Adye, Bradford-on-Avon; Clifton & Co.—Pet. f. Jan. 31.

FERGUSON, GEORGE, Streetlam, near Northallerton, Yorkshire, farmer, Feb. 16, Northallerton. Off. Ass. Jefferson; Sol. Mason, York.—Pet. f. Jan. 22.

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FRISCH, GEORGE, Southampton, publican, Feb. 14, Christchurch. Off. Ass. Drutt; Sol. Sharp, Christchurch.—Pet. f. Jan. 31.

GOUCHER, JAMES, Shrewsbury, Shropshire, grocer, Feb. 16, Birmingham. Off. Ass. Whitmore; Sols. Barlow & Co., Birmingham.—Pet. f. Jan. 30.

HAM, JOHN, Redruth, Cornwall, butcher, Feb. 12, Redruth. Off. Ass. Peter.—Pet. f. Jan. 2.

HARRISON, HENRY MARK, Bridlington, Yorkshire, hairdresser, Feb. 12, Bridlington. Off. Ass. Taylor; Sol. Richardson, Bridlington.—Pet. f. Jan. 26.

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HILL, JOHN, Bedminster, Somersetshire, beer retailer, Feb. 20, Bristol. Off. Ass. Harley; Sol. Ayre.—Pet. f. Jan. 29.

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JACOBS, SAMUEL, Meeting-house-yard, Gravel-lane, Houndsditch, furniture broker, Feb. 24. Off. Ass. Cannan; Sols. Preston & Co., 13, Gresham-street.—Pet. f. Feb. 2.

JARRETT, THOMAS, Maidstone, Kent, cattle dealer, Feb. 24. Off. Ass. Cannan; Sols. Doyle, 2, Verulam-buildings, Gray's-inn; Morgan, Maidstone, Kent.—Pet. f. Feb. 4.

JONES, WILLIAM, Marlborough-road, Peckham, commission agent, Feb. 24. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 2.

JOSEPH, ISAAC SOLOMON, Stanley-terrace, Bayswater, and Old Jewry-chambers, City, bristle merchant, Feb. 24. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 4.

LANDREY, RICHARD, Manchester-street, Gray's-inn-road, linendraper, Feb. 12. Off. Ass. Grahams; Sols. Kidder & Co., 22, Calthorpe-street, Gray's-inn-road.—Pet. f. Jan. 27.

LODGE, THOMAS, Shaftesbury, Dorsetshire, fishmonger, Feb. 24. Off. Ass. Cannan; Sols. Venning & Co., 9, Tokenhouse-yard; Swyer, Shaftesbury.—Pet. f. Feb. 2.

LOWIN, CHARLES, Fore-street, Edmonton, dealer in timber, Feb. 19. Off. Ass. Grahams; Sol. Beard, 10, Basinghall-street.—Pet. f. Feb. 4.

MAUGHAM, HENRY, and MAUGHAM, WILLIAM ALFRED, Greenwich, scrap-iron manufacturers, Feb. 24. Off. Ass. Edwards; Sol. Cridland, 7, Lincoln's-inn.—Pet. f. Jan. 30.

MELLAND, GEORGE STEPHEN, St. Benet's-place, Gracechurch-street, commission agent, Feb. 24. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 3.

MOOR, JOHN BENJAMIN, and MOOR, EDWARD, Ely-place, Holborn, and Hastings, Sussex, jewellers, Feb. 24. Off. Ass. Stansfeld; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. Jan. 30.

MOURLAY, CHARLES, Great Winchester-street, Pimlico, master in the merchant service, Feb. 19. Off. Ass. Grahams; Sol. Edmunds, 11, St. Bride's-avenue, Fleet-street.—Pet. f. Feb. 3.

PRACOCK, THOMAS MATTHEW, Upper Whitecross-street, bootmaker, Feb. 24. Off. Ass. Edwards; Sol. Norton, 10, Clifford's-inn.—Pet. f. Jan. 30.

PRISLEY, GEORGE, Oakley, Buckinghamshire, wheelwright. Off. Ass. Edwards; Sols. Harrison & Co., 24, Old Jewry; Parrott & Co., Aylesbury.—Pet. f. Feb. 2.

PETTERKEN, AUGUSTUS FREDERICK, Edward-terrace, Camden-road, Holloway, of no occupation, Feb. 24. Off. Ass. Edwards; Sols. Mackeson & Co., 59, Lincoln's-inn-fields.—Pet. f. Jan. 29.

POTTER, WILLIAM SIMPSON, Adam-street, Adelphi, a non-trader, Feb. 24. Off. Ass. Cannan; Sols. Dimmock & Co., 2, Suffolk-lane.—Pet. f. Feb. 6.

RICHARDSON, JOHN MOORE, Llangham, Sussex, dealer in timber, Feb. 23. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 2.

ROBINS, GEORGE BARNELL, James-street, Kennington-park, out of business, Feb. 17. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 2.

SARFAS, HENRY, Alma-terrace, Stepney, and Wapping-wall, block-maker, Feb. 17. Off. Ass. Stansfeld; Sol. Parsons, 43, Basinghall-street.—Pet. f. Feb. 2.

SCOTT, MARY, Cottage-grove, Peckham, sempstress, Feb. 17. Off. Ass. Grahams; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 2.

SHAW, JAMES CHESCKENT, Dorking, Surrey, commission agent, Feb. 24. Off. Ass. Cannan; Sol. Peck & Co., 10, Basinghall-street.—Pet. f. Feb. 2.

SHKARS, GEORGE, and SHKARS, JOSEPH, Murray-street, Hoxton, shoe manufacturers, Feb. 17. Off. Ass. Stansfeld; Sol. Beard, 10, Basinghall-street.—Pet. f. Feb. 4.

SKITTLE, THOMAS, Freemantle, Southampton, out of business, Feb. 17. Off. Ass. Grahams; Sol. Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. Feb. 3.

SMITH, CHARLES, Richard-street and Hare-street, Woolwich, butcher, Feb. 23. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 4.

TURNER, WILLIAM, Salisbury-terrace, Ball's Pond-road, Islington, tailor, Feb. 17. Off. Ass. Grahams; Sols. Reed & Co., Guildhall-chambers.—Pet. f. Feb. 5.

WALKER, WILLIAM, Marshall-street, London-road, assistant to a cheese-monger, Feb. 24. Off. Ass. Cannan; Sol. Hill, 43, Basinghall-street.—Pet. f. Feb. 3.

WARING, JOHN HUGH, Poultry, City, attorney-at-law, Feb. 17. Off. Ass. Grahams; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 4.

WATSON, JOSEPH, Ship-yard, Temple-bar, cab proprietor, Feb. 24. Off. Ass. Edwards; Sol. Brammell, 17, Southampton-buildings.—Pet. f. Feb. 3.

WILLIS, RICHARD READ, Kelvedon, Essex, schoolmaster, Feb. 17. Off. Ass. Grahams; Sol. Jones, Colchester.—Pet. f. Jan. 31.

WINTER, FREDERICK SAMUEL, Mary-street, Regent's-park, commission agent, Feb. 24. Off. Ass. Cannan; Sol. Davis, 10, Golden-square.—Pet. f. Feb. 2.

*To be heard in the Country.*

ANDREW, ALFRED, Droylsden-road, near Manchester, commercial clerk, Feb. 17, Manchester. Off. Ass. Herniman; Sols. Rowley & Co., Manchester.—Pet. f. Feb. 5.

BAKER, WALTER HENRY, Meare, Somersetshire, draper, Feb. 20, Bristol. Off. Ass. Miller; Sols. Welsh, Wells; Bevan & Co., Bristol.—Pet. f. Feb. 2.

BERRY, SWITHIN, Norwich, coachsmith, Feb. 23, Norwich. Off. Ass. Palmer; Sol. Sadd, Norwich.—Pet. f. Feb. 3.

BITTON, WILLIAM DANIEL, Heigham, Norwich, dealer in tobacco, Feb. 16, Norwich. Off. Ass. Palmer; Sol. Sadd, Norwich.—Pet. f. Jan. 31.

BLUMENTHAL, SUNDAL, Coventry, Warwickshire, wholesale jeweller, Feb. 20, Birmingham. Off. Ass. Kinnear; Sol. Parry, Birmingham.—Pet. f. Feb. 3.

BROCKBANK, JOHN, Carlisle, shoemaker, Feb. 26, Carlisle. Off. Ass. Hulton; Sol. Wannop, Carlisle.—Pet. f. Jan. 28.

BROWN, EDWARD, Coventry, Warwickshire, watch manufacturer, Feb. 19, Coventry. Off. Ass. Kirby; Sol. Griffin, Leamington.—Pet. f. Feb. 3.

BURROWS, JOHN, St. Mary Church, Devonshire, baker, Feb. 20, Newton Abbot. Off. Ass. Pidsley; Sol. Carter, Torquay.—Pet. f. Feb. 4.

CHAPMAN, MARK, Newport, Monmouthshire, painter, Feb. 20, Bristol. Off. Ass. Acraman; Sols. Woollett, Newport; Henderson, Bristol.—Pet. f. Feb. 4.

CLAREBROUGH, WILLIAM, Sheffield, mason, Feb. 25, Sheffield. Off. Ass. Wake; Sol. Hiney, Sheffield.—Pet. f. Feb. 3.

CLAYTON, JOHN, Stableford, Staffordshire, blacksmith, Feb. 27, Birmingham. Off. Ass. Kinnear; Sols. Stanley & Co., Newcastle-under-Lyme; James & Co., Birmingham.—Pet. f. Jan. 28.

COPE, JOHN, Seighford, Staffordshire, wheelwright, Feb. 17, Stafford. Off. Ass. Spilsbury; Sol. Hinds, Stafford.—Pet. f. Feb. 3.

CORNELIUSSEN, GEORGE, Bootle, near Liverpool, bookkeeper, Feb. 17, Liverpool. Off. Ass. Hime; Sol. Hughes, Liverpool.—Pet. f. Feb. 4.

COVERDALE, JOHN, Thirsk, Yorkshire, grocer's assistant, Feb. 17, Thirsk. Off. Ass. Rider; Sol. Mason, York.—Pet. f. Jan. 15.

CRICK, GEORGE, Southsea, Portsmouth, brewer, Feb. 16, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsmouth.—Pet. f. Jan. 31.

CROSS, HENRY LEONARD, Landport, Hampshire, baker, Feb. 16, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsmouth.—Pet. f. Jan. 31.

DEAL, SAMUEL, Sudbury, Suffolk, wheelwright, Feb. 17, Sudbury. Off. Ass. Andrews; Sol. Cardinal, Halstead.—Pet. f. Jan. 15.

EDWARDS, JOHN, Dolgelly, Merionethshire, farmer, Feb. 16, Dolgelly. Off. Ass. Walker; Sol. Jones, Dolgelly.—Pet. f. Feb. 2.

FENCOTT, JOHN, Dymock, near Newent, Gloucestershire, farmer, March 3, Gloucester. Off. Ass. Wilson; Sol. Wilkes, Gloucester.—Pet. f. Feb. 2.

GOOCH, WILLIAM, Norwich, in no business, Feb. 16, Norwich. Off. Ass. Palmer; Sol. Atkinson, Norwich.—Pet. f. Jan. 25.

GRAVES, ROBERT, Spofforth, Yorkshire, schoolmaster, Feb. 18, Knaresborough. Off. Ass. GILL; Sol. Capes, Knaresborough.—Pet. f. Jan. 31.

GREGG, HENRY, Bowness, Cumberland, innkeeper, Feb. 25, Wigton. Off. Ass. Ware; Sol. Donald, Carlisle.—Pet. f. Feb. 2.

GROOM, JOHN, Higham Ferrers, Northamptonshire, and Liverpool, shoe manufacturer, Feb. 18, Wellingtonborough. Off. Ass. Burnham; Sol. White, Northampton.—Pet. f. Feb. 2.

GUILMETTE, JAMES WILLIAM, Manchester, chemist, Feb. 21, Salford. Off. Ass. Hulton; Sol. Dawson, Manchester.—Pet. f. Feb. 2.

GUY, THOMAS PHILIPS, Beaminstor, Dorsetshire, butcher, Feb. 25, Exeter. Off. Ass. Hirtzel; Sols. Jolliffe, Crewkerne; Ploud, Exeter.—Pet. f. Feb. 3.

[For continuation of Gazette, see p. 54.]



## CONTENTS.

London Gazettes .....	46
Leading Article .....	47
Arrangement Clauses of the Bankruptcy Act .....	49
Correspondence .....	51
Books Received .....	52
Court Papers:—Equity Cause Lists after Hilary Term ..	52

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By R. BULLOCK, Barrister at Law.

<i>In re Betts's Patent</i> —(Patent—Prolongation—Foreign patent—Priority of grant—Merit of ingenuity—Merit of utility—Accounts—Duty of patentees—Evidence—Letters-patent—Certified copy—Act of state—14 & 15 Vict. c. 99, s. 7—15 & 16 Vict. c. 83, s. 25) .....	137
---	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Hills v. The Liverpool United Gas-light Company</i> —(Patent, infringement of—Novelty—Product—Natural and artificial) .....	140
--	-----

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

<i>Clark v. Watkins</i> —(Restraint of trade—Breach) ..	142
---	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

<i>Barry v. Stevens</i> —(Principal and agent—Author and publisher—Bill for accounts) .....	143
<i>Harms v. Parsons</i> —(Restraint of trade—Covenant, breach of) .....	145

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

<i>Ernest v. Weiss</i> —(Unincorporated company—Winding-up—Suit by official manager—Costs) .....	145
--	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

<i>The Earl of Darley v. The London, Chatham, and Dover Railway Company</i> —(Railway company—Contract, construction of—Accommodation work—Time, whether essence of contract—Waiver) ..	148
---	-----

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

<i>The Bedford and Cambridge Railway Company v. Stanley</i> —(Specific performance—Incorporated company—Contract with promoters) .....	152
--	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

<i>Reg., on the Prosecution of the Overseers of the Parish of St. Pancras, Respa., The Guardians and Overseers of the Parish of St. Mary, Islington, Appa.</i> —(Order of removal—Relief to children above the age of sixteen—Lunatic pauper—4 & 5 Will. 4, c. 76, s. 56) .....	155
---	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

<i>Stagg v. Elliott</i> —(Bill of exchange—Acceptance per proc.—Holder) .....	158
---	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

<i>Bancroft v. Greenwood</i> —(Several defendants—"Non pros.") .....	160
--	-----

## THE JURIST.

LONDON, FEBRUARY 14, 1863.

PARLIAMENT assembled on the 5th instant, as announced, but has not hitherto presented much to attract the attention of the Profession. Law reform is not alluded to in the Royal Speech, and the Ministers of the Crown have not brought forward any large measures on the subject. It is not, indeed, altogether in abeyance, for there have been some important announcements. The first and principal of these was made on the occasion of a motion by Sir George Bowyer, to bring in a bill to amend the law regarding the jurisdiction and authority exercised by the Inns of Court, who stated that it was similar to that introduced by him last session. On this, the Solicitor-General said that he did not oppose the introduction of the bill, but he desired it to be understood, that if any measure should be agreed upon, and presented to the House by the Benchers of the Inns of Court, neither private members nor the Government should be held to be precluded from considering such a measure. He was in a position to inform the House that communications had taken place between the Benchers of the different Inns upon this subject, and he was not without hope that the result would be the adoption of some measure which might be recommended to the House by their unanimous assent. Those communications had not yet advanced far enough to enable him to say whether such would be their result, but if anything were done his honourable friend would have early information of it, and he hoped

that the second reading of this bill would not be pressed on so as to interfere with the deliberations of the societies upon the subject. Sir Fitzroy Kelly expressed the hope, which common justice requires should be realised, that the second reading of the bill will not be taken at a time when members of the Bar, who are members of the House, are absent on circuit. We shall anxiously wait the issue of this matter. If Sir George Bowyer's bill contains the clauses in the former one, relative to the government and funds of the Inns of Court, we trust it will meet with the fate of its predecessor. If, however, as has been stated during the recess, those clauses are omitted, and that part only retained which relates to establishing a Council of Discipline, the bill well deserves consideration, although the principle is by no means beyond question. Some measure on this subject is, however, desirable, and if any doubt exists, the recent case of *Hudson v. Slade* ought to dispel it.

Next in order comes the law of bankruptcy and insolvency, respecting which we have the following interpellation and answer:—

Sir F. Kelly asked the Attorney-General whether it was the intention of her Majesty's Government to bring in a bill in the present session to amend the law of bankruptcy; and whether provision would be made in any such bill for the consolidation of the statutes of bankruptcy.

The Attorney-General said that the Government were not aware that there was any necessity for any material amendment of the law of bankruptcy. As regarded the administration of that law, experience had more and more convinced them of the expediency of certain alterations, which included the appointment,

as originally proposed, of a chief judge. Such an appointment the Government would be prepared to propose to Parliament whenever there should appear to be a fair prospect of obtaining its sanction. With respect to the consolidation of the bankruptcy statutes, he was in a position to state that the attention of the Lord Chancellor had been directed to the subject, but he could not promise that any measure having that object would be introduced during the present session.

The following explanations have been given respecting the present treatment of convicts, the deplorable inefficiency and absurdity of which has of late become so disagreeably apparent:—

In the House of Lords,

Earl *Stanhope* said that he was informed that, pending the labours of the commission, the Secretary of State had taken some important steps with the view of mitigating the evil complained of. It was said that a circular had been issued to the chairmen of quarter sessions, and he thought it would be desirable that the noble earl should state the object of that document. He apprehended that it had been issued for the purpose of diminishing the number of convicts set free periodically, and he should like to know whether any calculation had been made, founded on statistics, as to what the diminution was likely to be. He now begged to ask his noble friend, Earl *Granville*, for information on those two points.

Earl *Granville*, in answer, thought it would be inconvenient to discuss a subject which had only just been referred to a commission. He should, therefore, confine himself to saying that a circular, such as that referred to by his noble friend, had been issued by the Home Office in regard to persons who were recommitted, having formerly been convicted of other offences. In the case of such persons, no expectation of a remission of any part of their sentence was to be held out. No other important step had been taken. In answer to the second inquiry of his noble friend, he had only to observe, that it would be impossible to say what number of persons were likely to be recommitted.

The Earl of *Derby* wished to ask whether a person who, having received a ticket-of-leave, which was only a conditional exemption from a portion of his sentence, was again recommitted before the time at which that sentence had expired would, in addition to the new sentence received by him after recommitment, have to go through what remained of the previous one. The intention of the law certainly was, that ticket-of-leave men found associating with thieves, or even leading a suspicious life, should forfeit their tickets and undergo the original sentence; but, except perhaps in Ireland, he did not believe that principle had been acted on in a single instance.

Earl *Granville* said, that in the country parts of Ireland a very strict police supervision had been observed in respect of ticket-of-leave men; but the fact that such a supervision had not been carried out in Dublin shewed the difficulty there was in giving effect to a system of that kind in large towns. His noble friend was, however, mistaken in thinking that there had been no case of the revocation of a ticket-of-leave in

England. Recently ticket-of-leave men had been amenable for leading disorderly lives, keeping company with thieves, or committing offences of which the general law of the country was not exactly cognisant. In the case of a recommitment, he believed the custom had been to include the entire punishment in the second sentence.

The Earl of *Derby* observed that, in accordance with that custom, a convict who had received a sentence of ten years' imprisonment, and who obtained a ticket-of-leave after four years, leaving six years of his sentence unexpired, might derive a positive advantage from a second sentence, which would wipe out six years of the first.

The Duke of *Marlborough* said that recently in the public journals, in a notice of the convict establishment at Portland, it was stated that Redpath, who in 1857 was sentenced to transportation for life, was now at liberty on a ticket-of-leave, and probably was living on the proceeds of his felony. Their lordships would remember that this man was convicted of the most enormous forgeries on record. In sentencing him, the judge, in the course of some very impressive remarks, said that the prisoner was evidently a hardened criminal, far advanced in the practice of crime, and the sentence on him was transportation for life. He wished to know whether there was any truth in the statement, that Redpath had been discharged on a ticket-of-leave, for if so, the law must be in an absurdly inefficient state, and loudly cried for some remedy.

Earl *Granville* said that he could not enter into the details of any individual case without previous notice, but he would make it his business to inquire into the truth of the statement alluded to. He thought the noble duke, however, was wrong in supposing that Redpath was now at large upon a ticket-of-leave. The man had been transported for life, and was still in the colony, though he might have a ticket-of-leave.

Lord *Cranworth* said that Redpath, having been sentenced to transportation for life, was sent out of the country accordingly. It was well known that, after being in the colony for some time, a convict who conducted himself satisfactorily received a ticket-of-leave, and Redpath might be at large in this way, &c.

The subject was also thus referred to in the House of Commons:—

Mr. *Garnett* asked the Secretary of State for the Home Department whether he would lay upon the table of the House the circular, dated the 27th January, 1863, addressed to judges, &c., stating that the regulations as to remission of sentence set forth in the circular of the 27th June, 1857, should not apply to persons sentenced for a second time to penal servitude; and whether any instructions had been lately issued to the convict prisons, as to making convicts about to be liberated on license known to the police; and if so, whether they also could be laid before Parliament.

Sir *G. Grey* said there was no objection to the production of the circular to which the hon. gentleman referred. In answer to his second question, he might state, that no general instructions had been issued

having for their object the making of convicts about to be liberated on license, known to the police throughout the country. To do that would, he believed, be hardly possible. Instructions had, however, been issued, that certain officers of the metropolitan police should have an opportunity of seeing the prisoners at Millbank, with a view to their possessing greater facilities for the identification of those persons. The arrangements entered into for the purpose were at present suspended, in consequence of the inquiry now in progress, and it was deemed better that, before new regulations were made on the subject, an opportunity for an expression of opinion with respect to it, on the part of the Royal Commission, should be afforded.

The Government have also brought in a bill for the registration of births and deaths in Ireland. It has been suggested by some that "marriages" ought to be included, with the view of establishing one uniform marriage law for the United Kingdom. That subject, however, seems too wide and general to be treated in this incidental way, and at least may wait until the determination of the *Yelverton* case by the House of Lords.

Several bills by private members have also been announced. Among these, Sir John Trelawney has again brought forward his proposal for allowing affirmation instead of oaths in certain cases.

The present session of Parliament opens under peculiar circumstances. In the political atmosphere there is scarcely a breath stirring, and our legislators bid fair to have ample time on their hands. If this should continue, now will be the time for independent members to bring forward *well-considered measures* of law reform. We say emphatically, *well-considered measures*, for we have witnessed only too many of an opposite character, and such, when passed into law, introduce a remedy worse than the disease. We repeat, the opportunity for legal reform seems present, and we hope it will not be allowed to slip away.

#### ARRANGEMENT CLAUSES OF THE BANKRUPTCY ACT.

THE elaborate but characteristic judgment of the Lord Chancellor in the case of *Ex parte Morgan, in re Woodhouse*, delivered on the 30th ult., re-opens the vexed question of the power of a majority of creditors to bind the minority under the arrangement clauses of the Bankruptcy Act. It would, of course, have been improper for the Chancellor, in that judgment, to have alluded, even in the most remote degree, to any intention on his part to counteract, by any legislative interference, the (in his opinion) strange misunderstanding by the common-law judges of the plain meaning of two successive bankruptcy statutes; and it is therefore left open to conjecture whether the rumoured Bankruptcy Amendment Bill is or is not to contain clauses to prevent future doubt or misapprehension on this subject. Under these circumstances a retrospect of the efforts already made to amend the law in this respect, as well as the reasons for those efforts, may be attended with advantage, as it will then be easier to determine whether further amendment be or be not necessary.

The Bankruptcy Courts have always been unpopular with the commercial world; why or wherefore it is

needless now curiously to inquire. A desire to avoid publicity for their own as well as their debtors' conduct may at times have prevailed with creditors; but that in bankruptcy much time was wasted, and lavish expense was fruitlessly incurred, and very little consideration had for the classes for whose presumed benefit the machinery of the courts was set in motion, it is impossible to deny. Whatever the causes may have been, it is a notorious fact, that in the great commercial crisis of 1847, out of 120 houses that suspended or stopped payment, only nine passed through the Court of Bankruptcy; and of these nine it was well known that the two largest were driven into the *Gazette*, contrary to the general wishes of very large majorities of creditors, because the partners very properly refused to allow creditors forming a most inconsiderable minority (who had brought actions) to obtain thereby a preference over other creditors. Thus, compositions and other modes of private arrangement between debtors and their creditors were the rule, and bankruptcy was the exception; but if dissentient creditors would stand out against the majority, payment in full of the dissentients or a general bankruptcy were the only alternatives.

This was, no doubt, and was felt to be, a grievance; and accordingly we are not surprised to discover, that in 1848 a committee of bankers, merchants, and traders in the city of London represented to Parliament, "that it would be very advantageous to the mercantile community, that in all cases of commercial insolvency, any mode of liquidation which should be approved of by a proper majority of the creditors, whether by trust, composition, inspection, or otherwise, should be binding on the rest; and that a small number of dissenting creditors should not be enabled to frustrate such mode of liquidation." It will be seen, that the words "composition, inspection, or otherwise," in this document, clearly refer to cases where the debtor's estate was not to be entirely distributed amongst the creditors; i. e. in technical language, to cases where there was to be no absolute "*cessio bonorum*." In truth, it had long become apparent in practice, that it was more advantageous for the creditors (as well as the debtor) to leave his property under his own control and management, than to vest it in trustees. If the debtor meant honestly by his creditors, his own efforts to retrieve his position would be the most successful; and if, on the contrary, he had recourse to renewed reckless speculation or extravagance, the penal clauses of the deed of arrangement could at once be put in force to prevent fresh creditors from sweeping away the entire estate; but in any case the debtor was to be trusted. Such (right or wrong) was the reasoning of the mercantile world; and the Legislature, as we now know, adopted it. In the Report of the Parliamentary Commission on Bankruptcy of 1854 we are told, that "clauses were introduced in the act of 1849, with the view of enabling the large majority of creditors to make arrangements with their debtor, which would bind the minority for the due distribution of his estate among them; but a construction has been put upon these clauses which has defeated in many cases the intentions of the framers of them; for the courts of law have excluded from their operation all arrangements by deed, which did not provide for the distribution of the *entire* estate of the trader for the payment of his debts."

These clauses were the 224th and following clauses of the 12 & 13 Vict. c. 106, and the case of *Telley v. Taylor*, in the Exchequer Chamber (1 El. & Bl. 521), followed by *Larper v. Bibby* (5 H. L. C. 481), were the cases that put the construction upon them. Those cases decided that the words in sect. 224, "touching such trader's liabilities, and his release therefrom, and

the distribution, inspection, conduct, management, and mode of winding-up of his estate," rendered it necessary for the deed of arrangement to provide for the distribution of his entire estate as well as his release; notwithstanding that the disjunctive words "all or any of such matters, or any matters having reference thereto," were the very next consecutive words of the sentence; and sects. 228 and 229, were assumed to favour that construction. And despite the above complaint of the commissioners of 1854, who were men not destitute of ability, or of knowledge of grammar, or of the law of bankruptcy, as will be evident when we give the names of Sir George Rose, C. T. Swanston, M. D. Hill, James Bacon, Edward Holroyd, Spencer H. Walpole, Edward Cooke, and George Carr Glynn, the courts of law adhered to *Tetley v. Taylor*, and denied to the statutable majority of creditors any rights except to divide their debtor's entire estate amongst all his creditors. And this rule was actually carried out with such stringency, that if the deed excepted a man's clothes or his furniture, to the amount of 10*l.* or 20*l.*, it was held to be invalid (*March v. Warwick*, 1 H. & Norm. 164; *Cooper v. Thornton*, 1 El. & Bl. 544; and *Snodin v. Boyce*, 4 H. & Norm. 398); so that an assigning debtor was worse off, instead of better off, than a bankrupt. Bankruptcy was to be at a premium, arrangement by deed at a discount. In fact, out of the whole number of deeds framed since 1849, in reliance upon what was supposed and intended to be the meaning of the arrangement clauses of the 12 & 13 Vict. c. 106, only two, as far as we are aware, viz. those in *Macnaught v. Russell* (1 H. & Norm. 611) and *Irving v. Gray* (3 H. & Norm. 34) have been upheld. And the more recent cases of *Snodin v. Boyce* (already cited); *Legg v. Cheeseborough* (5 C. B., N. S., 741); and *Cruger v. Dunlop* (7 H. & Norm. 525), in the Exchequer Chamber, must be taken to have greatly shaken, if not to have entirely overturned, the authority of even those two decisions.

Such was the state of the law when the Bankruptcy Act of 1861 was introduced. The commissioners of 1854 had strongly reported in favour of amended and enlarged clauses, and had especially recommended that the creditors and their debtor should be at liberty to settle and arrange their own compositions, trusts, and inspectorships in their own way, without the control or interference of the Court (of Bankruptcy), except so far as they might be desirous of submitting to it for the purpose of making it ancillary to their objects. The commercial community renewed their agitation to carry out the same object, and in Parliament it was stated that increased facility was to be given to deeds of arrangement. The result appeared in the 192nd and eight following sections of the 24 & 25 Vict. c. 134 (the Bankruptcy Act, 1861), together with the form given by Schedule (D.) of that act. As at this time the proportion of compositions and private arrangements to actual bankruptcies was as 10,000 to 1100, one of the new deeds under the new act was not long in finding its way into one of the common-law courts—and that Court the Court of Exchequer—wherein most of the former discussions of the same question under the former statute had taken place.

And the singular but disagreeable judgment of that Court was (see *Walker v. Adcock*, 8 Jur., N. S., part 1, p. 519; 7 H. & Norm. 541), that the law under the new act was the same as the law under the old act; or, in other words, that a distribution of the debtor's entire estate amongst all his creditors was still essential to the validity of a deed of arrangement. In vain was it pointed out to them that the new act contained disjunctives, where the old act had conjunctives; and the intentions of the Legislature were again fruitlessly insisted on. Pollock, C. B., was of opinion, that "so great an

alteration in the law should be stated in clear and unmistakable terms, and not, as here, contradicted by various portions of the act itself." Nor can it be doubted that a careful analysis of the sections in question does afford ample grounds for the conclusion at which the Court of Exchequer has arrived. But then comes the judgment of the Lord Chancellor in *Ex parte Morgan, in re Woodhouse*. His Lordship says, that he entirely dissents from *Tetley v. Taylor*, but that it was the intention of the 192nd section of the new act to avoid just such results as would be the consequence of the decision in *Tetley v. Taylor*; and also that it was clear that it was not required by sect. 192, that deeds which would be entitled to the benefit of that section should apply to the whole property of the debtor. He was of opinion that what was called in *Tetley v. Taylor* a *cessio bonorum*, or the giving up of the entirety of the debtor's property, was not necessary to the validity of a deed of composition or trust, under sect. 192. The very object (he says) of the powers given in that section was to render it unnecessary to break up a debtor, and to save him from having all his property sold, his trade establishment broken up, and his existing status as a trader taken away.

Now, it is to be observed, that the judgment in *Ex parte Morgan* was based upon the fact of the exclusion in that case of certain creditors from the benefits of the deed, and the consequent invalidity of the deed; so that all the animadversions of the Lord Chancellor on *Tetley v. Taylor*, and his remarks respecting the existing necessity of a *cessio bonorum*, are in the nature of "obiter dicta." It is also to be observed, that even in these obiter dicta, no attempt is made to answer the reasoning of the Court of Exchequer in *Walker v. Adcock*; but the whole rests on the "ipse dixit" of the Lord Chancellor. It was supposed that the Court of Exchequer Chamber would have been called upon, in a case of *Foote v. Wood*, heard on the 6th instant, to decide between the conflicting authorities (as they may popularly, though not strictly, be termed) of *Walker v. Adcock* and *Ex parte Morgan*, and to determine whether a *cessio bonorum* is or is not necessary under the existing law; but *Foote v. Wood* went off on a different point altogether.

Now, we have carefully reserved our own opinion on this subject; and it is possible that Lord Cranworth may have been right when he expressed his inability to see how a creditor for 100*l.*, or four creditors for 100*l.*, ought to have the power of deciding how one creditor for 300*l.* shall have his debt liquidated; but from what we have above written, two conclusions may be safely drawn. First, it is abundantly evident, that in two successive statutes the clear intention of the Legislature has been so imperfectly, or obscurely, or loosely expressed, that the judges of the land (who may or may not have their own opinions as to the wisdom of that intention, or the practicability of carrying it out) have professed themselves unable to give effect to it, although a great equity judge seems to disbelieve their professions, at the same time that he offers no reasons for his incredulity; and such a disagreement is not seemly. Secondly, a dead lock has been thereby created in legal and commercial circles, which ought to be put an end to as speedily as possible. Neither the conflict of opinion, nor the uncertainty and perplexity which must be the natural consequence of such a conflict, ought to be suffered to prevail for another week whilst Parliament is in session. We trust (not, we think, without reason) that the welfare of the community will be considered paramount, and that what is to be law on this subject will be shortly, clearly, and unmistakably embodied in the Bankrupt-law Amendment Act, which will probably be passed this session. Model deeds of composition, assignment, and inspec-

torship would settle the question for ever, beyond the possibility of doubt or cavil.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—Now that the management of criminals has become a subject of general interest, I trust you will not forget the part long since taken by THE JURIST on this question. In the years 1844 and 1845 you called attention to the plans proposed by the late Captain Maconochie for improving the management of criminals (8 Jur., part 2, p. 466; 9 Jur., part 2, pp. 89, 409); and you justly took credit for being, as you were, among the first of the journals devoted to jurisprudence who noticed this subject, referring at the same time to "an able paper in a contemporary legal periodical," *The Law Magazine* for August, 1845, as having also put the same system prominently before the public. The course of events tends strongly to shew that the principles on which this system is founded must ultimately prevail. But at present we appear to be in great danger of running into two extremes, either of which is likely to produce the most mischievous results.

On the one hand, there can be little doubt that strong efforts will be made to uphold and continue the present system, which still retains some warm and honest, though, I believe, greatly mistaken, advocates. The high diet, the gentle exercise, the shelter from every drop of rain, accorded to convicts in the Government prisons, will find defenders, absurd as is the contrast between the daily life of an honest working man and the life of persons ostensibly under punishment. Surely it requires little argument to shew that such a course of treatment is calculated neither to deter nor to reform.

But on the other hand, public opinion seems likely to rebound into a course of treatment which may lead to still greater evils. Bad as men may be, it is quite possible to make them worse; and if a system of continuous and hopeless severity should ever be re-established, the same ineffable horrors which have already existed under such a system will inevitably be reproduced.

It is said, with great truth, that the sentence of the judge, as pronounced, ought to be the very sentence actually inflicted. It is of the highest importance that the majesty of the law should be supported, and that faith should be kept in every promise, whether that promise be a promise of remission or a promise of punishment. When a man is told that he need not mind what the judge says, that his actual sentence will be nothing like so long as what his Lordship has just told him, his respect for the administration of the law is not likely to be increased. To my mind it is most important, that in dealing with a class who are generally uneducated, the strictest truth should be maintained, and that no sentence should be passed which is not intended literally to be carried out.

The deduction usually made from this great principle is simply this—that if a man be sentenced to seven years' penal servitude, for seven years he should stay; and granting the "if," I assent to the conclusion. But is it impossible to alter the sentence? Those who are experienced in the management of criminals are unanimous in affirming, that it is simply impossible to continue large masses of persons in confinement for the mere purpose of punishment, and without any sort of hope or encour-

agement being held out to them. To treat a man as a beast is a sure way to make him one. Wild beasts are dangerous, but wild beasts with the brains of men are too dangerous for a community which respects its own safety to care to manufacture. No decent respectable person could be got to superintend for years together the mere punishment and inevitable deterioration of any persons, however bad. Some hope must be admitted in any place that is not to be a hell. The consequence has been, that under the present system of time sentences, some such device as that of tickets-of-leave has become inevitable; and with a benevolent view to the reformation of the convict, indulgencies have been allowed, the effect of which is decidedly injurious; but the existence of which in some shape, so long as time sentences are allowed, appears to me to be practically a necessity of administration.

But so injurious a conclusion is not inevitable. It is quite possible to *alter the sentence*. Give the criminal such a sentence as, while it inflicts an inevitable punishment, at the same time contains in it the element of hope. This may be done by sentencing the prisoner to do so much labour, or, in other words, to earn so many marks. And this is the main feature of the "mark system," for the establishment of which the late Captain Maconochie long laboured in vain. It has been asserted, and that recently, by some who ought to be better informed, that Captain Maconochie's system has been tried and has failed. The system has never been tried in its integrity. The essence of the system is the man's indefeasible right to his liberty, as soon as but no sooner than he has completed his task. To give remission on mere recommendation is to give a bonus to hypocrisy; whereas a right to go out when the work is over stimulates to that working *with a will* which makes labour both reformatory and productive. I wish I could persuade your readers to recur to a review of one of Captain Maconochie's pamphlets, contained in THE JURIST of the 7th December, 1844 (8 Jur., part 2, p. 466). They will there find a more complete exposition of his principles, and of the means by which he aims, in his own words—"first, to make circumstances in prisons favourable to virtue, not to vice, and to ingenuity and exertion, not to idleness and sloth; and, secondly, to reinforce these circumstances by substituting the arts of moral, religious, and other rational persuasion and exhortation, for direct physical enforcement, in maintaining discipline, in all cases in which they can possibly be made to apply, or be adequately felt." I believe that if this system were fully enforced, prisons might be made nearly or quite self-supporting; for skilled labour might then be employed, which, under the present system, can be turned to no account.

The nearest approach that has lately been made to the system of convict management, recommended by Captain Maconochie, is that which has been pursued with such great success by Sir Walter Crofton in Ireland; and I venture to think that the success which has attended that system is a proof of the soundness of the principles on which it is based, and an earnest of the still greater success which would ensue if those principles were fully carried out. This, however, can only be done by first altering the usual sentence of penal servitude.

I am quite aware that this is only a small part of a great subject. The inadequate punishment inflicted on crimes of violence, as compared with crimes against property, appears to me to require grave consideration. And in small matters many judicious changes might be made, especially in discriminating between the punishment of the first offence and that for a reiterated breach of the law, which should, in my opinion, be a much more serious matter than it is at

present. But I have already trespassed too long upon your columns.

I am, Sir, your obedient servant,  
JOSHUA WILLIAMS.

7, New-square, Lincoln's-inn.  
11th February, 1863.

#### POSTSCRIPT.

I have just read, in an article on convict management in the last number of the *Edinburgh Review*, p. 248, a short notice of Captain Maconochie, which contains, no doubt inadvertently, as much misrepresentation as it is possible to put in so few lines. "Meantime," says the writer, "the mark system was the experiment of the day. Captain Maconochie had tried it in Norfolk Island, and, when recalled from thence, obtained permission to make the experiment at home. A man of benevolent heart, but of weak judgment and imperfect temper, he had not succeeded in former objects, and was not likely to succeed in this. He failed; but when we witness the actual success of the method, so far as it admits of success, we must remember to whom we owe it. He expected moral reformation from a mechanical appeal to selfishness: he did not get this; but he furnished us with an effectual aid to the inducement of good habits and harmless manners." Captain Maconochie, it is true, was sent to Norfolk Island; but the Government refused to make his marks those certain steps towards freedom, which constituted the very essence of his system. Still less did he ever obtain permission to make the experiment at home. The experiment has not yet been made, and consequently has not failed. I knew him well. He was a man in advance of the times in which he lived, and neither expected nor received the applause of the crowd. Of sound judgment and perfect temper, he gained the respect and esteem of those who had the honour of his friendship. Before he went out to the colonies, his life had been spent, from the age of fifteen, in the active service of his country as an officer in the navy. His misfortune to have been taken prisoner by the French can scarcely be called a want of success in former objects. But as to expecting moral reformation from mechanical means, his life was spent in earnest endeavours to shew the absurdity of any such expectations. If there was ever any person who insisted on the use of moral means in the management of men, that person was Captain Maconochie. He advocated, it is true, the coarsest diet and the hardest fare for all those who refused to labour. He advocated labour for food, and labour for liberty, as a means of reformation. He furnished us, as the writer says, with an effectual aid to the inducement of good habits and harmless manners; and if all burglars and garrotters could be made persons of such habits and manners, I do not know that there would be much else to desire.

**JURIDICAL SOCIETY.**—A meeting of this society was held at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday evening, the 9th February; the Right Hon. Lord Stanley, M. P., in the chair. The secretary having read to the society a circular relative to the proposed foundation in honour of Savigny, Mr. W. W. Kerr read a paper on "The Foreign Enlistment Act and The Alabama." A discussion ensued, in which Mr. Whately, Mr. C. Clark, Mr. F. S. Reilly, Mr. Westlake, Mr. Neate, Mr. W. M. Best, and the Chairman took part, and Mr. Kerr replied.

The Queen has been pleased, by letters-patent under the Great Seal of the United Kingdom, to constitute and appoint George Stovin Venables, Esq., of the Inner Temple, London, one of her counsel learned in the law.

#### BOOKS RECEIVED.

"Shall we register Title?" or the Objections to Land and Title Registry stated and answered. Combining a Popular Exposition of the Act of the last Session for facilitating the Proof of Title to, and the Conveyance of, Real Estate. By Tonnison Edwards, Esq., of the Inner Temple, Barrister-at-Law. Dedicated, by permission, to the Right Hon. Richard Baron Westbury, Lord High Chancellor of England. Post 8vo., pp. 180.—Chapman & Hall.

An Elementary View of the Practice of Conveyancing in Solicitors' Offices, with an Outline of the Proceedings under the Transfer of Land and Declaration of Title Acts, 1862. By Edmund Smith, Esq., B. A., late of Pembroke College, Cambridge, Attorney and Solicitor. 12mo., pp. 216.—Butterworths.

#### Court Papers.

#### EQUITY CAUSE LISTS, AFTER HILARY TERM, 1863.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—Cl. Claim—C. Costs—D. Demurrer—E. Exceptions—F. C. Further Consideration—F. D. Further Directions—M. Motion—M. D. Motion for Decree—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Rehearing—Sp. C. Special Case—S. O. Stand Over—Sk. Short.

Before the LORD CHANCELLOR and the LORDS JUSTICES.

#### APPEALS.

Wellesley v. Mornington (3) } (Part  
Same v. Same (3) } heard  
Same v. Same (3) }  
Baker v. Metropolitan Railway Co. (R., Dec. 18, 1862)  
L. C. (Part hd.) Feb. 20

Sir E. H. K. Lacon v. Liffen (S., Jan. 7, 1863) L. C. (Part heard) Feb. 14  
Att.-Gen., at the relation of the Fishmongers' Co. v. Conservators of the River Thames (W., Jan. 22)  
Watkins v. Frederick (R., Jan. 27)

Before the Right Hon. the MASTER OF THE ROLLS.

#### CAUSES, &c.

Cooper v. Jenkins (M D)  
Featherstone v. Johnstone (M D)  
Gibbons v. Snape (M D)  
Thomas v. Morgan (M D)  
Parker v. Parker (M D)  
Tyrwhitt v. Tyrwhitt (Cause)  
Downes v. Jennings (M D)  
Cunliffe v. Hall and 4 other causes (F C)  
Larkins v. Watson (F C)  
Canon v. Onslow (M D)  
Higgs v. Ramage (M D)  
Young v. Neill (M D)  
Beaumont v. Carter (M D)  
Wheale v. Griffiths (M D)  
Penrice v. Penrice (M D)  
Matthews v. Matthews (M D)  
Carter v. Beaumont (M D)  
Sheild v. Taylor (M D)  
Izod v. Izod (M D)  
Thorn v. Commissioners of her Majesty's Works and Public Buildings (M D)  
Farmer v. Dean (M D)  
Hewett v. Borough of Portsmouth Waterworks Co. (M D)

Alder v. Lawless (M D)  
Moss v. Moss (M D)  
Middleton v. Chichester (M D)  
Medworth v. Watson (M D)  
Dobson v. Banks (M D)  
Bury v. Bedford } (M D)  
Bury v. Bedford }  
Swanston v. Israel (M D)  
Sellar v. Griffin (M D)  
Gill v. Hicklin (M D)  
Wentworth v. Lloyd (Cause)  
Harrison v. Lowcock (Cause)  
Locke v. Prescott (Cause)  
Lilly v. Lowe (M D)  
Smith v. Best (M D)  
Caddick v. Cook (M D)  
Wells v. Maxwell (M D)  
Clarke v. Hemment (M D)  
Halket v. Halket (M D)  
Hall v. Barrows (M D)  
Allen v. Cross (M D)  
Coras v. Trow (M D)  
Harries v. Harries (M D)  
Scholesfield v. Lockwood (M D)  
Webster v. Stoton (M D)  
Sharples v. Adams (Cause)

Weld v. London and South-western Railway Co. (Cau.)  
Gould v. Gould (M D)  
Harries v. Roberts (M D)  
Williams v. Williams (Cause)  
Maughan v. Maughan (M D)  
Wells v. Manners (M D)  
Williams v. Mawdsley (Cau.)  
Peacock v. Gibson (M D)  
Palaisret v. Carew (M D)  
Duncombe v. Buak (M D)  
Vachell v. Roberts (M D)  
Bainbridge v. Kinnaird (M D)  
Hodgson v. Bibby (Cause)  
Lear v. Turner (M D)  
Mossley v. Harrison (M D)  
Coventry v. Barclay (M D)  
Harvey v. Trist (M D)  
Ritchie v. Couper (F C)  
Ingram v. Ingram (M D)  
Davies v. Boffey (M D)  
Earnshaw v. Bradbury (M D)  
Lechmere, Bart., v. Brothridge (M D)

Jones v. Thomas (M D)  
Cotton v. Wyld (Cause)  
Bagot v. Bagot (M D)  
Broughton, Bart., v. Astbury (M D)  
Smith v. Baynes (M D)  
Cowen v. Phillips (M D)  
Alcock v. Mossman (M D)  
Jacomb v. Knight (M D)  
Sanderson v. Clark (F C)  
Williams v. Bullmore (Cau.)  
Ingram v. Ingram (M D)  
In re Wilkinson } (F C, adj.  
Nicholas v. Wil- } from  
kinson } chamb.  
Bullmore v. Williams (Cau.)  
Annesley v. Mogg } (F  
Annesley v. Kingmill } C)  
Bingley v. Bingley (M D)  
Brookes v. Brookes (M D)  
Spittle v. Hughes (M D)  
Mortimer v. Picton (M D)  
Waud v. Wortham (M D)  
Felthouse v. Pocock (M D).

Potter v. Taylor (M D)  
Hill v. Royton (F C)  
Charlton v. Coombes (M D)  
Norris v. Jackson (Cause)  
Taylor v. Hayes (Cause, set down by defendants)  
Currie v. Lewin (F C)  
Locking v. Power (M D)  
Colls v. Robins (F C)  
Williams v. Rowlands (Further hearing)  
Mattison v. Long (M D)  
Ferneley v. Hartley (M D)  
Newby v. Newby (Cause)

Dodd v. Holbrook and 2 other causes (R to Master's rep.)  
Saunders v. Robinson (Cause)  
Price v. Vincent (M D)  
Franklyn v. Franklyn (F C)  
Soper v. Smith (M D)  
Crump v. Cann (Cause)  
Bellingham v. Bayford (M D)  
Whitfield v. Lamb (M D)  
Matthews v. Humphries (M D)  
Smith v. Smith (F C)  
Scott v. Evers (M D)  
Reeve v. Jones (M D).

*Before the Vice-Chancellor Sir W. P. Wood.*

#### CAUSES, &c.

Marquis of Bute v. Taff Vale Railway Co. (M D, part heard)  
Ernest v. Partridge (D of deft. Hopgood to whole bill)  
Hendrick v. Wood (Old E)  
Kennedy v. May (D of deft. to whole bill)  
Ernest v. Partridge (D of deft. Partridge)  
Same v. Same (D of deft. F. R. H. Edwards to whole bill)  
Same v. Same (D of defts. Durrant, Travers, C. Mortlock, Hieckhoefer, F. Mortlock, J. Fry, and J. F. Partridge to whole bill)  
Same v. Same (D of deft. C. A. Govett to whole bill)  
Same v. Same (D of deft. J. P. Blencowe to whole bill)  
Catholic Publishing & Book-selling Co. v. Dolman (D of deft. Wyman to whole bill)  
Crossley v. Stewart (E to answer of defendants)  
Tottenham v. Green (Cause)  
Dundas v. Murray (M D)  
Rolf v. Perry (M D)  
Giles v. Thomas (Cause)  
Burke v. Eyre (Cause)  
Sharp v. Ferrand (M D)  
Grundy v. Heathcote (Cause)  
Wedderburne v. Lewellin (M D)  
Fraser v. Fraser (Sp C)  
Tennick v. Moffitt (M D)  
Johnson v. Norrington (M D)  
Parsons v. North (M D)  
Spaight v. Cowne (Cause)  
Croskey v. European & American Steam Shipping Co. (Limited) (Cause)  
Oakford v. European & American Steam Shipping Co. (Limited) (Cause)

Fuller v. Chanier (F C)  
Godyear v. Sebridget (F C)  
Royds v. Royds (F C)  
Hogge v. Lindsell (M D)  
Wickham v. Harding (Cause)  
Bilton v. Thomas (F C)  
Almack v. Horn (Sp C)  
Bowker v. Henry (Cause)  
Chambers v. London, Chatham, and Dover Railway Co. (M D)  
Leather Cloth Co. (Limited) v. American Leather Cloth Co. (Limited) (M D)  
Leather Cloth Co. (Limited) v. Hirschfeld (M D)  
Hunt v. Twen (F C)  
Perry v. Butler (M D)  
Harvey v. Bulkeley, Bart. (F C)  
Shreeve v. Shreeve (F C)  
Fairfax v. Baron Herries (M D)  
Brown v. Stockton and Darlington Railway Co. (F C)  
Radford v. Boys (M D)  
Jones v. Jones (M D)  
Weeks v. Cowel (M D)  
Bell v. Johnson (M D)  
Taylor v. Iall (F C)  
Thackeray v. Parker (F C)  
Robson v. Leatham (M D)  
Simons v. Pollard (M D)  
Harrison v. Thomas (M D)  
Bishop of Exeter v. Shutte (M D)  
Hughes v. Jones (Further hearing after issue at law)  
Mulleuex v. Ellison (Sp C)  
Gough v. Prior (M D)  
Wilson v. Harrison (M D)  
Buchanan v. Harrison (F C)  
Cory v. Thames Iron-work Ship-building Co. (Limited) (M D)  
Blakesley v. Blakesley (F C, Ptn)  
Busfield v. Shiers (Cause)  
Cosser v. Radford (M D)  
Pontifex v. Marks (M D)  
Allin v. Harris (F C)  
Spaight v. Rymer } (F C,  
In re Jepson } Ptn)  
Lee v. Lee (M D)  
Davies v. Huguenin (M D)  
Buckley v. West (Sp C)  
Perez v. Pinto (Cause, F C)  
Street v. Street (F C)  
Williams v. Jones (F C, Ptn)  
Janson v. Rider (M D)  
Hodgson v. Earl of Bective (M D)

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

#### CAUSES, &c.

Evans v. Evans (Cause)  
Henderson v. Castle (F C)  
Randfield v. Randfield (F C, Summons to vary)  
Watts v. Yelverton (M D)  
Faulkner v. Llewellyn (M D)  
Bateman v. Cook (M D)  
Rose v. Sharrod (F C)  
Wilkinson v. Wilkinson (M D)  
Woodhatch v. Freeland (M D)  
Welford v. Stokoe (M D)  
Young v. Davies (M D)  
Penfold v. Kelly (M D)  
Hodgson v. Wakeham (M D)  
Moss v. Turner (F C)  
Howard v. Chaffers } (F C)  
Howard v. Robinson }  
Clarkson v. Bradby (M D)  
Hingley v. Tandy (M D)  
Dukinfield v. Cameron (Cau.)  
Lawson v. Stoddart (Cause)  
Thrupp v. Preston (F C)  
Drevon v. Drevon (Cause)  
Scolefield v. Redfern (F C)  
Stephens v. Wall (Cause)  
Tuckniss v. Alexander (Cau.)  
Pearce v. Graham (M D)  
Bethell v. Kitchen (Re-hear.)  
Partridge v. Smith (M D)  
Law v. Irving (M D)

Barrans v. Roseby (Cause)  
Shrubsole v. Schnieder } (M  
Schnieder v. Shrubsole } D)  
Williams v. Kirby (M D)  
Baker v. Macbin (F C)  
Welch v. Sparks (Cause)  
Morrall v. Morrall (M D)  
Wall v. Stephens (M D)  
Hunter v. Illingworth (M D)  
Collings v. Harris (M D)  
Jones v. Gloster (F C)  
Moxon v. Bielefeld (M D)  
Birdseye v. Birdseye (F C)  
Gorton v. Hooper (M D)  
Salisbury v. Ridley (M D)  
Stone v. Bennett (M D)  
Hudson v. Saxby (Cause)  
Williams v. Williams (M D)  
Gossip v. Wright (Cause)  
Parker v. Parker and 4 other causes (F C, adj. Ptn)  
Caldwell v. Ellison (F C)  
Welsh v. Welsh (Cause)  
Welsh v. Welsh (Cause)  
Hakewill v. White (F C)  
Lord Dacre v. Lamb (M D)  
New v. Bonaker (M D)  
Andrews v. Higgs (F C)  
Snell v. Hurlock (M D)  
Wallace v. Auldjo (M D)  
Thomas v. Cross (M D).

*Before the Vice-Chancellor Sir JOHN STUART.*

#### CAUSES, &c.

Potgate v. Barnes (Pl)  
Williams v. Cooke (F C, Su.)  
Dexter v. Powell (M D)  
Brumfit v. Hart (M D)  
Sayce v. Griffiths (M D)  
Pratt v. Waring (Cause)  
Phillips v. Phillips (M D)  
Mann v. Hornby (Cause)  
Lodge v. Prichard and 8 other causes (F C)  
Prideaux v. Lonsdale (M D)  
Furber v. Meakin (F C)  
Harding v. Martin (Cause)  
Feb. 17  
Selby v. Bowie (M D)

Adams v. Swarder (Cause)  
Roberts v. Jones (M D)  
Gray v. Morrison (M D)  
Foster v. Davis (M D)  
Marshall v. Chatfield (Cause)  
Mettors v. Brown (Cause)  
Hunt v. Reynolds (M D)  
Binney v. Hammersmith and City Railway Co. (M D)  
Thornton v. Ramsden, Bart. (M D)  
Mitchell v. Wyndham (M D)  
Croxford v. Elliott (M D)  
Howkins v. Bennet (Cause)  
Davis v. Davis (M D)

Edwards v. Spaight (M D)  
Knox v. Gye (M D)  
Rhodes v. Rhodes (M D)  
Stedman v. Chapman (M D)  
Garrod v. Holmes (F C)  
Puxley v. Puxley (F C)  
Tompsett v. Harmer (F C)  
Topping v. Searson (F C)  
Hutchinson v. Smith (F C)  
Wyman v. Mason } (F C)  
Mason v. Wyman }  
Coe v. Bigg (F C)  
Gall v. Dearn (F C)  
Wylie v. Wylie } (F C)  
Wylie v. Enchin }



Marriott v. Marriott (Cause)  
 Kidwelly and Llanelly Canal  
 and Tramroad Co. v. Mason  
 (M D) March 2  
 Latham v. Roby (F C)  
 Foster v. Gladstone (M D)  
 Cawley v. Poole (Cause)  
 Lee v. Taylor (F C)  
 Chapman v. Harris (Sp C)  
 Putlock v. King (Sp C)  
 Maugham v. Ridley (M D)  
 Guy v. Taylor (F C)  
 Rogers v. Viner (Cause)  
 Ford v. Tynte (M D)  
 Hall v. Deal Pier Co. (M D)  
 Robinson v. Godlee (M D)  
 Keeling v. Keeling (Cause)

Calvert v. Armitage (M D)  
 Gimber v. Coleman (M D)  
 Crickmore v. Crickmore (F C)  
 Stephens v. Thomas (M D)  
 Foster v. Harvey (M D)  
 Baker v. Donovan (M D)  
 Moore v. Wright (F C)  
 Perrott v. Hamilton (M D)  
 Smith v. Lancaster (F C)  
 Van Dieman's Land Co. v.  
 Gibson (Cause)  
 Hinings v. Hinings (F C)  
 Dilley v. Matthews (M D)  
 Hill v. Hill (F C)  
 Thomas v. Wedderburne (M  
 D).

The Queen has been pleased to appoint Sir William Brown, Bart., of Richmond Hill, to be sheriff of the county palatine of Lancaster. Also the Prince of Wales has appointed William Coulson, Esq., of Kenegie, Penzance, to be sheriff of the county of Cornwall.

COMMISSIONER TO ADMINISTER OATHS IN COMMON LAW.—The Right Hon. Sir A. E. Cockburn, Bart., and Sir John Mellor, Knt., two of the Justices of her Majesty's Court of Queen's Bench, at Westminster; the Right Hon. Sir William Erle, Knt., and Sir James Shaw Willes, Knt., two of the Justices of her Majesty's Court of Common Pleas, at Westminster; and the Right Hon. Sir Frederick Pollock, Knt., and Sir James Plaistead Wilde, Knt., two of the Barons of her Majesty's Court of Exchequer, at Westminster; have appointed Henry Jackson, of No. 15, St. Helen's-place, in the city of London, to be a London commissioner for administering oaths in the courts of common law.

ERRATA.—In the letter from G. L. on Succession Duty (ante, p. 29), col. 1, lines 14 and 15, for "said appointees," read "said appointors;" and in the remarks thereon, p. 30, col. 1, line 22, for "in tail" read "for life, and to his sons in tail;" and col. 2, line 10, for "father," read "grandfather."

HAWCOCK, ABRAHAM, Wolstanton, Staffordshire, miner, Feb. 14, Congleton. Off. Ass. Latham; Sol. Welch, Congleton.—Pet. f. Feb. 3.  
 HART, MATTHEW, Bawtry, Yorkshire, out of business, Feb. 17, Doncaster. Off. Ass. Mason; Sol. Woodhead, Doncaster.—Pet. f. Jan. 31.  
 HART, ROBERT, Canterbury, general dealer, Feb. 9, Canterbury. Off. Ass. Galloway.—Pet. f. Jan. 16.  
 HORSFIELD, THOMAS, Birmingham, tailor, Feb. 23, Birmingham. Off. Ass. Whitmore; Sols. Southall & Co., Birmingham.—Pet. f. Feb. 3.  
 HUMPHRIES, DAVID, Harpenden, near St. Albans, Hertfordshire, hay dealer, Feb. 18, St. Albans. Off. Ass. Simpson; Sols. Marshall & Co., Hatton-garden.—Pet. f. Dec. 16.  
 HUNTLEY, THOMAS WOOD, Heworth, Durham, grocer, Feb. 20, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Bush, Newcastle-upon-Tyne.—Pet. f. Feb. 3.  
 LAWRY, PHILIP TRELSAM, Redruth, Cornwall, farmer, Feb. 18, Redruth. Off. Ass. Peter; Sol. Stephenson.—Pet. f. Feb. 3.  
 LETEBRIDGE, FRANCIS, Ermington, Devonshire, farmer, Feb. 19, East Stonehouse. Off. Ass. Pearce; Sol. Gidley, Plymouth.—Pet. f. Feb. 3.  
 LUCAS, WILLIAM, Manchester, silk broker, Feb. 19, Manchester. Off. Ass. Fraser; Sols. Chew & Co., Manchester.—Pet. f. Feb. 3.  
 MARSHALL, REUBEN, Halifax, weaver, Feb. 27, Halifax. Off. Ass. Dyson; Sol. Jubb, Halifax.—Pet. f. Feb. 3.  
 MILNE, WILLIAM BURTON, Canterbury, publican, Feb. 9, Canterbury. Off. Ass. Callaway.—Pet. f. Jan. 16.  
 MUTTON, BENJAMIN, Canterbury, horse dealer, Feb. 9, Canterbury. Off. Ass. Callaway.—Pet. f. Jan. 16.  
 NEWNES, WILLIAM, Maldon, Essex, bootmaker, Feb. 19, Maldon. Off. Ass. Codd; Sol. Digby, Maldon.—Pet. f. Feb. 2.  
 ORMANDY, THOMAS, Barrow-in-Furness, Lancashire, butcher, Feb. 23, Ulverston. Off. Ass. Postlethwaite; Sol. Ralph, Ulverston.—Pet. f. Jan. 26.  
 OSBORNE, WILLIAM, Birmingham, horse-hair pad manufacturer, March 2, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Feb. 3.  
 PERRINS, THOMAS, Birmingham, out of business, Feb. 20, Birmingham. Off. Ass. Kinnear; Sol. Wright, Birmingham.—Pet. f. Feb. 2.  
 PINNER, GEORGE, Biggleswade, Bedfordshire, market gardener, Feb. 18, Biggleswade. Off. Ass. Hooper; Sol. Barker, Biggleswade.—Pet. f. Feb. 3.

PROUT, JOHN, West Alvington, Devonshire, lime burner, Feb. 16, Kingsbridge. Off. Ass. Square; Sol. Orton, Kingsbridge.—Pet. f. Feb. 2.  
 RICHARDS, THOMAS, Alberbury, Montgomeryshire, saddler, March 2, Shrewsbury. Off. Ass. Peale; Sol. Davies, Shrewsbury.—Pet. f. Jan. 31.  
 ROBERTS, JOSEPH, Hereford, beer-house keeper, Feb. 18, Hereford. Off. Ass. Reynolds; Sol. Garrod, Hereford.—Pet. f. Feb. 2.  
 ROBERTS, WILLIAM, Netherton, near Dudley, Worcestershire, out of employment, Feb. 19, Dudley. Off. Ass. Walker; Sol. Duke, Birmingham.—Pet. f. Feb. 2.  
 ROBINSON, THOMAS, Newcastle-upon-Tyne, master mariner, Feb. 23, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Jan. 27.  
 SATTERTHWAIT, EDWARD, Bliton, Staffordshire, publican, Feb. 23, Birmingham. Off. Ass. Whitmore; Sols. Thurstans, Wolverhampton; Green, Birmingham.—Pet. f. Feb. 4.  
 SIMPSON, ROBERT CHARLES, Gloucester, saddler, March 3, Gloucester. Off. Ass. Wilton; Sol. Taynton, Gloucester.—Pet. f. Feb. 3.  
 SKINNER, JOHN, Torquay, Devonshire, builder, Feb. 20, Newton Abbot. Off. Ass. Pidsley; Sol. Carter, Torquay.—Pet. f. Feb. 2.  
 SMITH, WILLIAM, Coventry, Warwickshire, tailor, Feb. 19, Coventry. Off. Ass. Kirby; Sol. Griffin, Leamington.—Pet. f. Jan. 30.  
 SNOOK, ROBERT, Southampton, watchmaker, Feb. 23, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Feb. 2.  
 STARRS, SAMUEL, Leeds, cutter, Feb. 19, Leeds. Off. Ass. Young; Sols. Snowden & Co., Leeds.—Pet. f. Feb. 3.  
 TAYLOR, WILLIAM, Barnwood, Gloucestershire, commission agent, March 3, Gloucester. Off. Ass. Wilton; Sol. Taynton, Gloucester.—Pet. f. Feb. 4.  
 TOWNSEND, WILLIAM, Littledean, Gloucestershire, innkeeper, Feb. 24, Newnham. Off. Ass. Mason; Sol. Whatley, Mitcheldean.—Pet. f. Jan. 31.  
 WHEELHOUSE, SAMUEL, Radcliffe-bridge, Lancashire, bookseller, Feb. 17, Manchester. Off. Ass. Pott; Sol. Horner, Manchester.—Pet. f. Feb. 2.  
 WHITCOMB, THOMAS, Newtown, near Gosport, beer retailer, Feb. 16, Portsmouth. Off. Ass. Howard; Sol. Cousins, Portsea.—Pet. f. Feb. 4.  
 WHITING, GEORGE, Spratton, near Northampton, shoemaker, Feb. 21, Northampton. Off. Ass. Dennis; Sols. Marshall & Co., 12, Hatton-garden, London.—Pet. f. Jan. 31.  
 WOODCOCK, JOHN, Silkstone, Yorkshire, shopkeeper, Feb. 27, Barnsley. Off. Ass. Shepherd; Sol. Hamer, Barnsley.—Pet. f. Feb. 3.  
 WOODFORD, THOMAS, Oxford, butcher, Feb. 18, Oxford. Off. Ass. Dudley; Sol. Locker, Oxford.—Pet. f. Feb. 2.  
 WOODHOUSE, WILLIAM HENRY, Huddersfield, Yorkshire, printer, Feb. 19, Leeds. Off. Ass. Young; Sols. Blackburn, Leeds; Linklater & Co., 7, Walbrook, London.—Pet. f. Dec. 10.  
 WRIGHT, JOHN, Tillingham, Essex, butcher, Feb. 19, Maldon. Off. Ass. Codd; Sol. Digby, Maldon.—Pet. f. Feb. 2.  
 WYER, GEORGE, Leadenham, Lincolnshire, veterinary surgeon, Feb. 17, Horncastle. Off. Ass. Clitherow; Sols. Brown & Co., Lincoln.—Pet. f. Feb. 3.

#### PARTNERSHIP DISSOLVED.

ROWELL, WILLIAM, and ROWELL, ROBERT, Watford, Hertfordshire, attorneys-at-law.

TUESDAY, Feb. 10.

#### BANKRUPTS.

To be heard in London.

ANDERSON, ANN, Green-street, Leicester-square, out of business, Feb. 26. Off. Ass. Graham; Sol. Goady, 8, Symond's-inn, Chancery-lane.—Pet. f. Feb. 6.  
 ARKELL, JOHN, Britannia-street, Hoxton, shoe manufacturer, Feb. 24. Off. Ass. Stansfeld; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. Feb. 5.  
 BRAKE, PHILIP, Broadley-terrace, Blanford-square, bath attendant, Feb. 24. Off. Ass. Stansfeld; Sol. Wyatt, Lamb's Conduit-street.—Pet. f. Feb. 3.  
 CAPPEL, GEORGE, Albany-road, Camberwell, merchant's clerk, Feb. 24. Off. Ass. Stansfeld; Sols. Roberts & Co., 15, Bucklersbury.—Pet. f. Feb. 6.  
 EDWARDS, ROBERT, Gower-street, Bedford-square, dealer in shares, Feb. 26. Off. Ass. Graham; Sol. Drake, 13, Gresham-street.—Pet. f. Feb. 6.  
 GALE, RICHARD, Iron Bridge-yard, Barking-road, and Sussex-street, Stainsby-road, East India-road, Poplar, barge builder, Feb. 23. Off. Ass. Stansfeld; Sols. Lewis & Co., 25, Clement's-lane.—Pet. f. Feb. 5.  
 GRIFFITHS, HENRY, Pleasant-row, Holloway-road, omnibus driver, Feb. 23. Off. Ass. Edwards; Sol. Mole, 14, Warwick-court, Gray's-inn.—Pet. f. Feb. 5.  
 HARCOURT, DURRANT BATEMAN, Thatcham, near Newbury, Berkshire, solicitor, Feb. 23. Off. Ass. Stansfeld; Sols. Hamber & Co., 20, King's Arms-yard.—Pet. f. Feb. 6.  
 JONES, JOHN, King's-cross, grocer, Feb. 23. Off. Ass. Edwards; Sol. Jones, 5, New-inn, Strand.—Pet. f. Feb. 5.  
 MACKENZIE, THOMAS HENRY, Rye-lane, Peckham, commercial traveller, Feb. 23. Off. Ass. Edwards; Sol. Moss, 28, Martin's-lane, Cannon-street.—Pet. f. Feb. 4.  
 MAKERS, JOSEPH, Grange-terrace, Blue Anchor-road, Bermondsey, tailor, Feb. 24. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 5.  
 MANN, JAMES BARRETT, Great Warley, Essex, gardener, Feb. 26. Off. Ass. Graham; Sols. Preston & Co., 13, Gresham-street.—Pet. f. Feb. 9.  
 MAPLEDEN, WILLIAM THOMAS HYDE, High-street, Shoreditch, licensed victualler, Feb. 23. Off. Ass. Stansfeld; Sols. Elcurn & Co., 13, Bedford-row.—Pet. f. Feb. 7.

NEALE, WILLIAM, Queen-street, Bermondsey New-road, out of business, Feb. 23. *Off. Ass. Edwards*; *Sol. Aldridge*, 46, Moorgate-street.—*Pet. f. Feb. 3.*

PERKINS, JOHN, Brighton, tailor, Feb. 24. *Off. Ass. Stansfield*; *Sol. Peverley*, 19, Coleman-street.—*Pet. f. Feb. 9.*

PETTYMER, THOMAS, South-street, Clifton-street, Finsbury, harness maker, Feb. 23. *Off. Ass. Edwards*; *Sol. Beard*, 10, Basinghall-street.—*Pet. f. Feb. 5.*

PRIESTLEY, EDWIN, Suffolk-place, Kingsland-road, printer, Feb. 24. *Off. Ass. Graham*; *Sol. Marshall*, 9, Lincoln's-inn-fields.—*Pet. f. Feb. 6.*

RACE, JOSEPH, Bushey, Hertfordshire, mechanical engineer, Feb. 24. *Off. Ass. Candan*; *Sol. Marshall*, 9, Lincoln's-inn-fields.—*Pet. f. Feb. 5.*

REED, WILLIAM, Southgate, Middlesex, grocer, Feb. 24. *Off. Ass. Candan*; *Sols. Lovell & Co.*, 14, South-square, Gray's-inn.—*Pet. f. Feb. 7.*

SEARS, HENRY STEPHEN, White-cottages, Hackney, accountant, Feb. 24. *Off. Ass. Stansfield*; *Sol. Shephard*, 9, Sise-lane.—*Pet. f. Feb. 6.*

SIMPSON, PETER, Frederick-street, Hampstead-road, builder, Feb. 24. *Off. Ass. Graham*; *Sol. Allen*, 64, Chancery-lane.—*Pet. f. Feb. 5.*

SPICER, JOSEPH HENRY, Bedford-place, Kensington, builder, Feb. 24. *Off. Ass. Graham*; *Sol. Rusworth*, 10, Staple's-inn, Holborn.—*Pet. f. Feb. 5.*

STEVENSON, JOHN, Gibson-square, Islington, commission agent, Feb. 23. *Off. Ass. Edwards*; *Sol. Waring*, 23, Poultry.—*Pet. f. Jan. 28.*

THORN, MICHAEL, Burghfield-hill, near Reading, Berkshire, brick-maker, Feb. 24. *Off. Ass. Graham*; *Sol. Doyle*, 2, Vernal-hill-buildings, Gray's-inn.—*Pet. f. Feb. 2.*

WACKELL, URIAH, Battersea Rise, farm bailiff, Feb. 24. *Off. Ass. Candan*; *Sol. Dubois*, 26, Coleman-street.—*Pet. f. Feb. 6.*

### To be heard in the Country.

ACLAND, WILLIAM, Upton, Torquay, Devonshire, hay dealer, Feb. 20, Newton Abbot. *Off. Ass. Pidsley*; *Sol. Carter*, Torquay.—*Pet. f. Feb. 6.*

BADGERY, THOMAS, Worcester, leather dresser, Feb. 27, Birmingham. *Off. Ass. Kinnear*; *Sol. Wright*, Birmingham.—*Pet. f. Feb. 6.*

BAILEY, JOSEPH, Nottingham, iron moulder, Feb. 23, Nottingham. *Off. Ass. Patchitt*; *Sol. Smith*, Nottingham.—*Pet. f. Feb. 6.*

BARNFORD, JOHN, Trelton, Lancashire, wheelwright, Feb. 20, Ormskirk. *Off. Ass. Walsby*; *Sol. Parr*, Ormskirk.—*Pet. f. Feb. 5.*

BENNETT, WILLIAM, Wrexham, East Pennard, Somersetshire, carpenter, Feb. 23, Wells. *Off. Ass. Lovell*; *Sol. Alder*, Wells.—*Pet. f. Feb. 4.*

BOADEN, RICHARD, Liverpool, car proprietor, Feb. 23, Liverpool. *Off. Ass. Hime*; *Sols. Evans & Co.*, Liverpool.—*Adj. Jan. 15.*

BROADBENT, ROBERT, Manchester, provision dealer, Feb. 23, Manchester. *Off. Ass. Kay*; *Sol. Stiles*, Manchester.—*Pet. f. Feb. 5.*

BROOKER, EDWIN, Doncaster, Yorkshire, carver and gilder, Feb. 21, Doncaster. *Off. Ass. Mason*; *Sol. Marratt*, Doncaster.—*Pet. f. Feb. 6.*

BROUGHTON, JOHN, Bath, beer-house keeper, Feb. 23, Bath. *Off. Ass. Smith*; *Sol. Bartrum*, Bath.—*Pet. f. Feb. 6.*

CARTER, ADAM, Bolton, Lancashire, ale merchant, Feb. 23, Bolton. *Off. Ass. Holden*; *Sol. Hulmet*, Bolton.—*Pet. f. Feb. 5.*

CHAPMAN, WILLIAM, Bath, engineer, Feb. 23, Bath. *Off. Ass. Smith*; *Sol. Witton*, Bath.—*Pet. f. Feb. 5.*

DAY, JOHN, Swinton-common, near Rotherham, Yorkshire, labourer, March 11, Rotherham. *Off. Ass. Newman*; *Sol. Hirst*, Rotherham.—*Pet. f. Jan. 26.*

EASTWOOD, JOHN, Huddersfield, Yorkshire, farmer, Feb. 26, Huddersfield. *Off. Ass. Jones*; *Sol. Haigh*, Huddersfield.—*Pet. f. Jan. 27.*

EDWARDS, EDWARD, Bangor, Carnarvonshire, ironmonger, Feb. 23, Liverpool. *Off. Ass. Turner*; *Sols. Evans & Co.*, Liverpool.—*Pet. f. Feb. 5.*

EDWARDS, JOHN, Dolgelly, Merionethshire, farmer, Feb. 16, Dolgelly. *Off. Ass. Walker*; *Sol. Jones*, Dolgelly.—*Pet. f. Feb. 6.*

ELAND, HENRY, Blaydon, Durham, grocer, Feb. 21, Gateshead. *Off. Ass. Ingledew*; *Sol. Joel*, Newcastle-upon-Tyne.—*Pet. f. Feb. 5.*

EVANS, GEORGE, Hodnet, Shropshire, licensed victualler, Feb. 27, Birmingham. *Off. Ass. Kinnear*; *Sols. Clarke*, Shrewsbury; *Reece*, Birmingham.—*Pet. f. Feb. 5.*

EVANS, JOHN, Llanbedr, Merionethshire, master mariner, March 18, Portmadoc. *Off. Ass. Jones*; *Sol. Bresse*, Portmadoc.—*Pet. f. Feb. 3.*

FINCH, JOHN, Frimley, Surrey, licensed victualler, Feb. 20, Farnham. *Off. Ass. Hollett*; *Sol. White*, Guildford, Surrey.—*Pet. f. Jan. 30.*

FOX, CHARLES, Lincoln, builder, Feb. 25, Kingston-upon-Hull. *Off. Ass. Carrick*; *Sol. Tweed*, Lincoln.—*Pet. f. Feb. 3.*

FOULKES, HUGH, Conway, Carnarvonshire, butcher, Feb. 26, Liverpool. *Off. Ass. Turner*; *Sols. Evans & Co.*, Liverpool; *Jones*, Conway.—*Pet. f. Feb. 7.*

FURNES, GEORGE, Bollington, Cheshire, butcher, Feb. 20, Macclesfield. *Off. Ass. the registrar*; *Sol. Barclay*, Macclesfield.—*Pet. f. Feb. 6.*

GAUTHERY, WILLIAM GILKES, Kidderminster, Worcestershire, March 4, Kidderminster. *Off. Ass. Talbot*; *Sol. Saunders*, Kidderminster.—*Pet. f. Feb. 6.*

HALL, MARGARET, and HALL, HENRY, Blymhill, Staffordshire, farmers, Feb. 23, Birmingham. *Off. Ass. Whitmore*; *Sols. Turner*, Wolverhampton; *Hodgson & Co.*, Birmingham.—*Pet. f. Feb. 5.*

HAMPSON, JAMES, Marsden, near Huddersfield, Yorkshire, grocer, Feb. 24, Huddersfield. *Off. Ass. Jones*; *Sol. Swan*, Manchester.—*Pet. f. Feb. 5.*

HARPER, JAMES, Southwick, near Sunderland, Durham, grocer, Feb. 20, Newcastle-upon-Tyne. *Off. Ass. Baker*; *Sol. Young*, Sunderland.—*Pet. f. Feb. 3.*

HOLT, JAMES, Burley, near Leeds, dyer, Feb. 27, Leeds. *Off. Ass. Sangster*; *Sol. Harle*, Leeds.—*Pet. f. Feb. 5.*

Houghton, WILLIAM, Inskip-with-Sowerby, Lancashire, hay dealer, Feb. 24, Garwang. *Off. Ass. Stanley*; *Sol. Blackhurst*, Preston.—*Pet. f. Feb. 5.*

HUNT, JOHN THOMAS, Macclesfield, Cheshire, out of business, Feb. 20, Macclesfield. *Off. Ass. the registrar*; *Sol. Barclay*, Macclesfield.—*Pet. f. Feb. 6.*

JARVIS, JOHN, and CONNOR, THOMAS, Rotherham, Yorkshire, plasterers, March 11, Rotherham. *Off. Ass. Newman*; *Sol. Binney*, Sheffield.—*Pet. f. Feb. 7.*

JOHNSTONE, JAMES INGLIS, Washington, Durham, joiner, Feb. 20, Newcastle-upon-Tyne. *Off. Ass. Baker*; *Sol. Joel*, Newcastle-upon-Tyne.—*Pet. f. Feb. 4.*

KERRIE, GEORGE, Ipswich, Suffolk, painter, Feb. 23, Ipswich. *Off. Ass. Pretymann*; *Sol. Champ*, Ipswich.—*Pet. f. Feb. 7.*

KESSELL, ROBERT, Burnley, Lancashire, potter, Feb. 23, Hanley. *Off. Ass. Challinor*; *Sol. Sutton*, Burnley.—*Pet. f. Feb. 8.*

LEE, JOHN, Farnham, Surrey, licensed victualler, Feb. 20, Farnham. *Off. Ass. Hollett*; *Sol. White*, Guildford.—*Pet. f. Feb. 3.*

LEGG, RICHARD, Litton Cheney, Dorsetshire, butcher, March 10, Bridport. *Off. Ass. Temple*; *Sol. Weston*, Dorchester.—*Pet. f. Jan. 4.*

LEMON, ROBERT, Ranworth, Norfolk, licensed victualler, Feb. 25, Norwich. *Off. Ass. Palmer*; *Sol. Atkinson*, Norwich.—*Pet. f. Feb. 7.*

LIEBICH, IMMANUEL, Brighton, teacher of music, March 4, Brighton. *Off. Ass. Everahed*; *Sol. Peverley*, 19, Coleman-street, London.—*Pet. f. Feb. 7.*

LIDDELL, THOMAS, Newcastle-upon-Tyne, out of business, Feb. 28, Newcastle-upon-Tyne. *Off. Ass. Clayton*; *Sol. Joel*, Newcastle-upon-Tyne.—*Pet. f. Feb. 5.*

LONG, THOMAS, Burnley, Lancashire, out of business, March 2, Burnley. *Off. Ass. Hartley*; *Sols. Backhouse & Co.*, Burnley.—*Pet. f. Feb. 5.*

LOWRIE, RALPH, Newcastle-upon-Tyne, commission agent, Feb. 20, Newcastle-upon-Tyne. *Off. Ass. Baker*; *Sol. Hoyle*, Newcastle-upon-Tyne.—*Pet. f. Feb. 6.*

MADDOCK, BENJAMIN, Chester, brewer, Feb. 19, Chester. *Off. Ass. Watson*; *Sol. Massey*, Chester.—*Pet. f. Feb. 5.*

MANDER, THOMAS, Leamington Priors, Warwickshire, out of business, Feb. 16, Warwick. *Off. Ass. Tibbits*; *Sol. Overall*, Leamington Priors.—*Pet. f. Jan. 26.*

MIRTON, GEORGE, Kirkdale, near Liverpool, licensed victualler, Feb. 24, Liverpool. *Off. Ass. Morgan*; *Sol. Thornley*, Liverpool.—*Pet. f. Feb. 6.*

MOLL, RUDOLPH WILLIAM, Kingston-upon-Hull, merchant, Feb. 25, Kingston-upon-Hull. *Off. Ass. Carrick*; *Sols. Spurr & Co.*, Kingston-upon-Hull.—*Pet. f. Feb. 2.*

PEARSON, THOMAS, Kingston-upon-Hull, pork butcher, Feb. 18, Hull. *Off. Ass. Phillips*; *Sol. Summers*, Hull.—*Pet. f. Feb. 5.*

PERK, EDWARD, Worcester, licensed victualler, Feb. 23, Worcester. *Off. Ass. Hill*; *Sol. Corles*, Worcester.—*Pet. f. Feb. 3.*

POPPL, GEORGE, Aldershot, Southampton, bootmaker, Feb. 20, Farnham. *Off. Ass. Hollett*; *Sol. White*, Guildford, Surrey.—*Pet. f. Jan. 29.*

ROBINSON, WILLIAM, Hartshorne, Derbyshire, bootmaker, Feb. 20, Ashby-de-la-Zouch. *Off. Ass. Dewes*; *Sol. Dewes*, Ashby-de-la-Zouch.—*Pet. f. Feb. 6.*

ROTHWELL, HENRY, Salford, Lancashire, out of business, Feb. 21, Salford. *Off. Ass. Hulton*; *Sol. Swan*, Manchester.—*Pet. f. Feb. 5.*

RUNDLE, JAMES THOMAS, Plymouth, Devonshire, draper, March 4, Plymouth. *Off. Ass. Hirtzel*; *Sols. Edmonds & Co.*, Plymouth; *Hirtzel*, Exeter.—*Pet. f. Feb. 4.*

RUSFORTH, THOMAS, Huddersfield, Yorkshire, joiner, Feb. 26, Huddersfield. *Off. Ass. Jones*; *Sol. Bottomley*, Huddersfield.—*Pet. f. Jan. 26.*

SCHOFIELD, THOMAS, Rochdale, Lancashire, druggist, March 12, Manchester. *Off. Ass. Pott*; *Sols. Holland*, Rochdale; *Smith & Co.*, Manchester.—*Pet. f. Feb. 5.*

SISSON, FANNY, Ilkerton, Derbyshire, shopkeeper, Feb. 24, Belper. *Off. Ass. Ingle*; *Sol. Smith*, Nottingham.—*Pet. f. Jan. 12.*

SOLE, GEORGE, Littlehampton, Sussex, mariner, Feb. 13, Arundel. *Off. Ass. Holmes*; *Sol. Goodman*, Brighton.—*Pet. f. Feb. 3.*

SPEAT, WILLIAM, Gloucester, carrier, Feb. 20, Bristol. *Off. Ass. Miller*; *Sols. Matthews*, Bristol; *Abbott & Co.*, Bristol.—*Pet. f. Feb. 4.*

TAYLOR, THOMAS, Huddersfield, Yorkshire, waste dealer, Feb. 26, Huddersfield. *Off. Ass. Jones*; *Sol. Haigh*, Huddersfield.—*Pet. f. Feb. 2.*

TOMS, GEORGE SPENCER, Bishops Nympton, Devonshire, farmer, Feb. 25, Exeter. *Off. Ass. Hirtzel*; *Sol. Willesford*, Exeter.—*Pet. f. Feb. 6.*

TURNER, HENRY, Manchester, commercial clerk, Feb. 26, Manchester. *Off. Ass. Herniman*; *Sol. Swan*, Manchester.—*Pet. f. Feb. 7.*

TURNER, RICHARD, Chesterfield, Derbyshire, cabinet maker, Feb. 28, Sheffield. *Off. Ass. Young*; *Sols. Gratton*, Chesterfield; *Unwin*, Sheffield.—*Pet. f. Feb. 6.*

VAMPLEY, SAMUEL, Grimsby, Lincolnshire, labourer, Feb. 19, Louth. *Off. Ass. White*; *Sols. Brown & Co.*, Lincoln.—*Pet. f. Feb. 4.*

YOUNG, JOHN, Newcastle-upon-Tyne, merchant tailor, Feb. 28, Newcastle-upon-Tyne. *Off. Ass. Clayton*; *Sol. Joel*, Newcastle-upon-Tyne.—*Pet. f. Feb. 7.*

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ANTROBUS, PHILIP, Northwich, Cheshire, estate agent, Feb. 27, Liverpool. Off. Ass. Turner.—Adj. Feb. 10.

BARKER, WILLIAM, Colastworth, Lincolnshire, road surveyor, Feb. 23, Grantham. Off. Ass. Winter; Sol. Palmer, Grantham.—Pet. f. Feb. 7.

BARTLETT, RICHARD HENRY, Liverpool, licensed victualler, Feb. 27, Liverpool. Off. Ass. Morgan; Sol. Toulmin, Liverpool.—Pet. f. Feb. 9.

BREKSFORD, JOSEPH, Nottingham, grocer, Feb. 25, Nottingham. Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Feb. 11.

BICKELL, THOMAS KINGSMAN, Tavistock, Devonshire, assistant to a grocer, Feb. 25, Tavistock. Off. Ass. Bridgman; Sol. Chilcott, Tavistock.—Pet. f. Feb. 11.

BIRCHALL, JOHN, Rugby, Warwickshire, builder, March 2, Birmingham. Off. Ass. Whitmore; Sols. Smallbone, Coventry; Smith, Birmingham.—Pet. f. Feb. 11.

BOCKING, CHARLES, Wadhurst, Sussex, schoolmaster, Feb. 23, Tunbridge Wells. Off. Ass. Alleyne; Sols. Stone & Co., Tunbridge Wells.—Pet. f. Feb. 12.

BRACEGIRDLE, SAMUEL, Northwich, Cheshire, timber broker, Feb. 27, Liverpool. Off. Ass. Morgan.—Adj. Feb. 10.

BREACH, JAMES, Hulme, Manchester, salesman, Feb. 28, Salford. Off. Ass. Hulton; Sol. Leigh, Manchester.—Pet. f. Feb. 9.

CARTER, JANE, Cockermouth, Cumberland, grocer, Feb. 25, Cockermouth. Off. Ass. Waugh; Sol. Moorad, Cockermouth.—Pet. f. Feb. 7.

CLARKE, JOSEPH, Nottingham, lace designer, Feb. 25, Nottingham. Off. Ass. Patchitt; Sol. Wood, Nottingham.—Pet. f. Feb. 12.

COOPER, CHARLES WILLIAM, Manchester, salesman, Feb. 25, Manchester. Off. Ass. Pott; Sol. Myers, Manchester.—Pet. f. Feb. 10.

DAVIES, THOMAS, Guilsfield, Montgomeryshire, farmer, Feb. 27, Liverpool. Off. Ass. Turner; Sols. Dodge & Co., Liverpool; Yearsley, Welshpool.—Pet. f. Feb. 10.

EATON, JOHN, Birmingham, out of business, March 2, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Feb. 7.

EDMONDS, JAMES, Portsea, Hampshire, builder, Feb. 28, Portsmouth. Off. Ass. Howard; Sol. Paffard, Portsea.—Pet. f. Feb. 10.

EDE, SARAH, Alford, Surrey, licensed victualler, Feb. 27, Godalming. Off. Ass. King; Sol. Geach, Guildford.—Pet. f. Feb. 9.

ENRY, FREDERICK, Standon, Hertfordshire, cattle dealer, March 2, Hertford. Off. Ass. Spence; Sol. Armstrong, Hertford.—Pet. f. Feb. 8.

FENTON, EDWARD, Dewsbury, Yorkshire, rag dealer, Feb. 27, Dewsbury. Off. Ass. Nelson; Sol. Harle, Leeds.—Pet. f. Feb. 9.

FLETCHER, EDWARD, Manchester, beer-house keeper, March 9, Manchester. Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. Feb. 11.

FLEISCHLAUS, ABRAHAM DAVID, Liverpool, general draper, Feb. 26, Liverpool. Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. Feb. 11.

GIBBS, MATTHEW, New Sleaford, Lincolnshire, carrier, Feb. 23, Sleaford. Off. Ass. Moore; Sols. Brown & Co., Lincoln.—Pet. f. Feb. 7.

GIBBS, SAMUEL, Thorndon, Suffolk, tailor, Feb. 27, Eye. Off. Ass. Chensery; Sol. Cream, Eye.—Pet. f. Feb. 10.

HARRIS, JOHN, Bleanavon, Pwllodd, and Garnddyrys, Monmouthshire, grocer, Feb. 27, Bristol. Off. Ass. Miller; Sols. Pain, Newport; Bevan & Co., Bristol.—Pet. f. Feb. 12.

HARROP, HORATIO NELSON, Manchester, photographer, Feb. 25, Manchester. Off. Ass. Fraser; Sol. Storer, Manchester.—Pet. f. Feb. 7.

HERITAGE, WILLIAM, Northampton, out of business, Feb. 28, Northampton. Off. Ass. Dennis; Sol. Law, Stamford.—Pet. f. Feb. 7.

HODKINS, SAMUEL, Stourbridge, Worcestershire, builder, March 2, Stourbridge. Off. Ass. Howard; Sol. Collis, Stourbridge.—Pet. f. Feb. 3.

ISSOTT, THOMAS MALLORIE, Leeds, butcher, Feb. 27, Leeds. Off. Ass. Sangster; Sol. Simpson, Leeds.—Pet. f. Feb. 9.

JOHNSON, LUKE, Ovington, Northumberland, licensed victualler, Feb. 25, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Feb. 9.

JONES, EDWARD, Wrexham, Denbighshire, publican, Feb. 24, Wrexham. Off. Ass. Edgworth; Sol. Jones, Wrexham.—Pet. f. Feb. 9.

KIRBY, THOMAS KENZEL, Chichester, Sussex, fruiterer, March 4, Chichester. Off. Ass. Sowton; Sol. Goodman, Brighton.—Pet. f. Feb. 6.

LEACH, ELI, Rochdale, Lancashire, beer retailer, Feb. 26, Rochdale. Off. Ass. Woods; Sol. Holland, Rochdale.—Pet. f. Feb. 9.

LYON, JOHN DRESSER, Birmingham, professor of music, March 2, Birmingham. Off. Ass. Whitmore; Sol. Parry, Birmingham.—Pet. f. Feb. 10.

MACHIN, THOMAS, Hordley, Shropshire, tailor, March 31, Oswestry. Off. Ass. Croxon; Sol. Randles, Ellesmere.—Pet. f. Jan. 31.

MARKLEW, RICHARD, Stafford, warder of the county prison, Feb. 27, Stafford. Off. Ass. Spilsbury; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. Feb. 9.

[For continuation of Gazette, see p. 66.]

## CONTENTS.

London Gazettes .....	58
Leading Article .....	59
Correspondence—Shall we Register Title? .....	60
Law Studies at Oxford .....	62
The Inns of Court and the Bar in Early Times .....	63
The Present Treatment of Criminals .....	64
The Legal Procedure Society .....	65
Book Received .....	66

## NAMES OF THE CASES REPORTED.

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

David Thomas v. Jones.—(Wills Act, 1 Vict. c. 26, ss. 7, 8, 24, 27—Married woman—Power of appointment—Contingent—General devise) .....	161
Baker v. The Metropolitan Railway Company .....	163

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

<i>In re</i> Era Society.—(Winding up—Costs of creditors' representative) .....	163
---	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Fryer v. Ward.—(Goodwill of business, specific bequest of Election) .....	164
Clark v. Leach.—(Partnership—Dissolution—Expiration of term—Partnership at will) .....	165

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

Bradshaw v. Fane.—(Practice—Public company—Costs of trustees) .....	166
---	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister-at-Law.

<i>In re</i> The Trustee Relief Act, 10 & 11 Vict. c. 96, and <i>In re</i> Hoare's Trusts.—(Ante-nuptial contract—Marriage of an infant—Ward of court—Post-nuptial settlements extended to after-acquired property of wife) .....	167
Warner v. Smith and Gregory.—(Contracts, construction of—Partnership—Proportions of profits) ..	169

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

<i>In re</i> The South Lady Bertha Copper Mining Company.—(Winding up—Jurisdiction—Mines in Devon—Stannaries Court) .....	170
---	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

Paterson v. Harris.—(Distributive issues—Costs—Common-law Procedure Act, 1852, sect. 75—Policy of insurance) .....	173
--	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

<i>Ex parte</i> Breden.—(Attorney—Articled clerk—Unstamped articles—Service—Affidavit of execution—6 & 7 Vict. c. 73, ss. 8, 9—19 & 20 Vict. c. 81, s. 3—23 & 24 Vict. c. 127, s. 7) .....	176
Fisher, App., Jones, Resp.—(Truck—Construction of stat. 1 & 2 Will. 4, c. 37, ss. 9, 19—Practice on appeal from justices—20 & 21 Vict. c. 43) .....	177

## EXCHEQUER CHAMBER.

By J. GRANT, Barrister at Law.

Foots v. Wood.—(Composition deed—24 & 25 Vict. c. 134, s. 192—Construction of terms of deed) ..	178
---	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Hartland, P. O., v. Jukes and Another.—(Promissory note—Statute of Limitations—Instruments construed together—Banker's account) .....	180
---	-----

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. E. BROWNING, Barrister at Law.

Webster v. Webster and Mitford.—(Marriage settlement—Payment out of wife's life interest for benefit of child—22 & 23 Vict. c. 61, s. 5) .....	182
--	-----

## COURT OF ADMIRALTY.

By W. E. BROWNING, Barrister at Law.

The Atlantic.—(Master's wages—Drunkenness—Error in judgment—Loss of ship's boat) .....	183
--	-----

## CROWN CASES RESERVED.

By G. FRANCIS, Barrister at Law.

Reg. v. Isaac Mark Evans.—(False pretences—Partnership—Matters of partnership account) .....	184
--	-----

## THE JURIST.

LONDON, FEBRUARY 21, 1863.

CORPORATIONS and public bodies are too often guilty of acts which the individual members, either from good or bad motives, would shrink from committing. As members of corporations or public bodies, men seem to think that the responsibility for wickedness or fraud is spread over so great a number, that each may easily bear the small share of disgrace or shame which, by an equitable apportionment, falls to his own lot.

Some excuse themselves altogether under the plea, that they have merely acted by the advice of others; some, that they have merely lent their names to give an appearance of respectability or solidity to the undertaking; and others, occupying the position of paid officers, may satisfy their conscience, that by assisting in any attempt to delude or defraud the public, they are merely carrying out the directions of their employers, and that they alone ought to be solely responsible for those acts, the performance of which they have directed. Many wholesome decisions of our courts of law and equity have of late years done much

to dispel the delusions of those persons who have allowed their names to be put forward amongst the directors of public companies merely as decoy ducks, by rendering them liable for the deeds of their more active associates; and a recent decision of the House of Lords shews that servants of a company, combining with the directors in the commission of a fraud, are liable to third parties for the injury done to them thereby. The very important case to which we allude is that of *Cullen v. Thomson* (9 Jur., N. S., part 1, p. 85). There it appears, that the appellant Cullen, who was a shareholder of the Edinburgh and Glasgow Bank, brought an action to recover damages from the directors, and the manager and assistant manager, on the ground that he had been induced, by their fraudulent report, to purchase shares of the bank, whereby he had suffered loss and damage. The manager and the assistant manager, it appears from the pleadings, had furnished the detailed statements, and were cognisant of the fraudulent report, which was issued and signed by the directors only. The Inner Court of Session in Scotland (dissentiente Lord Ivory), affirming the decision of the Lord Ordinary, thought that the allegations (the effect of which only has been briefly stated) were not sufficient to furnish issues for a jury against the manager and assistant manager.

It was said by Lord Curriehill, that "it was a very important matter indeed to extend the liabilities, which are quite well established in certain circumstances against directors, against those who are only servants of those directors, and *who must obey instructions*, and who may be dismissed by them at any time." It was, moreover, considered by their Lordships, that there was not a proper connexion between the manager and assistant manager, and the written statements said to have contained the misrepresentations which rendered them responsible to persons who became purchasers of the shares. Upon appeal to the House of Lords, the judgment of the Court of Sessions was reversed, and a declaration made, that there was issuable matter in the record as against the respondents, the manager and assistant manager. The pleadings, however, from which the issuable matter was with some doubt and difficulty eliminated, is described by the Lord Chancellor, with a graphic severity by no means inapplicable to Scotch pleadings in general, as containing "loose, rambling, and irrelevant statements, by which the relevant matter is overlaid, and almost hidden."

With regard to the law upon the subject, the judgment of the Lord Chancellor is deserving of a most attentive perusal, not only as containing sound law, and sound common sense, but for the high tone of morality which it enforces, and on account of which it may be very favourably contrasted with lower views of commercial morality entertained by the majority of the Scotch Bench.

The Lord Chancellor considered that, whether viewing the manager and assistant manager, as officers or servants of the directors, they were liable for assisting in their frauds.

"The managers of a joint-stock bank," said his Lordship, "are well-known public officers, whose due selection is more important than that of the directors themselves; for it may be taken as a fact, of which we cannot be judicially ignorant, that the credit of a banking establishment depends in no inconsiderable degree on the opinion entertained of the knowledge, ability, and character of the managers. I cannot, therefore, agree with the conclusion, either that on the contract or deed of settlement the managers are the mere servants of the directors, or that the reports must be taken to have been accepted by the shareholders and the public, without any reference to the managers, and solely on the faith and credit given to the directors alone. On the contrary, I think it is clear, from the constitution, and the prescribed mode of transacting its business, that the shareholders would have a right to regard the general reports as founded on the statements and accounts of the managers, and that the public would look on them in the same light."

But even assuming the managers to be mere servants of the directors, his Lordship was clearly of opinion that their position did not excuse complicity in fraud. "Can it," he says, "be maintained as a proposition of law, that a servant who knowingly joins with and assists his master in the commission of a fraud is not civilly responsible for the consequences? All persons directly concerned in the commission of a

fraud are to be treated as principals. No party can be permitted to excuse himself on the ground that he acted as the agent or the servant of another; *and the reason is plain, for the contract of agency or of service cannot impose any obligation on the agent or servant to commit or assist in the committing of a fraud.*"

The broad principles laid down by the Lord Chancellor will, it is to be hoped, be followed out in similar cases, and the result will inevitably be, that even if a higher tone of morality cannot be introduced amongst those individuals who either compose, or manage, or act for, public companies, it will, at any rate, infuse amongst their officers and servants a wholesome dread of the punishment for participating in fraud, and will make them understand that they cannot shelter themselves from the consequences, by the allegation that they were bound to commit fraud at the bidding of their employers. The law recognises no such obligation as springing from express contract; and it would be contrary to every legal principle that any such obligation should be raised by law from any implied contract between master and servant.

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### Correspondence.

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#### SHALL WE REGISTER TITLE?

TO THE EDITOR OF "THE JURIST."

SIR,—When a writer professes to criticise motives, he undertakes a somewhat perilous task, and, moreover, lays himself open to imputations by way of retort; it is, I think, much to be regretted that Mr. Tenison Edwards should have adopted this course in the book, intitled as above, which he has just published in defence of the Transfer of Land Act. I may, therefore, at the outset, be permitted to say, that, with respect to Mr. Edwards's preliminary remarks, in which he attacks solicitors generally, or provincial solicitors, or a section of solicitors (for the expressions used are so irreconcilable that it is impossible to say how far his strictures extend), in consequence of their non-appreciation of the benefits of the said act, and imputes to them personal motives as the ground of their opposition, that I no more believe the truth of what is imputed, however extended or however limited the imputations may be, than I believe that Mr. Edwards himself had any personal motive for writing in defence of the act. He certainly fell, in this instance, into a greater error than the editor of *The Law Times*, of whom Mr. Edwards complains, for omitting to insert an allusion, contained in a letter from Mr. Edwards, to the new act as an "infant," and to solicitors as "infanticides."

The act, however, is evidently Mr. Edwards's "first love," and he argues accordingly on its behalf with considerable warmth; for instance, even the portability of the new assurance is not forgotten (p. 8):—"What more can a purchaser require? Could he feel more content by having a deed covering four or five skins of parchment? I trow not; for he has a certificate of a few lines, which he can understand as well as any lawyer, and he has the conviction that nothing can disturb his title, which no mere deed could ever have given him." The concluding part of the above extract describes the boon which the act is said to offer to the bona fide purchaser; and Mr. Edwards has written, with considerable ingenuity, for the purpose of convincing the public generally, or their soli-



citors (I fear he rather despairs of convincing the latter, or he would treat them more civilly), of the reality of the boon which, as Mr. Edwards admits, has not yet been appreciated. Now, after an attentive perusal of this smartly-written little work, for which, apart from the imputations of personal motives to class interests, the thanks of the public and the profession are justly due to Mr. Edwards, my difficulty, I regret to say, still remains. What is the grand principle of this act? Is it not the substitution of abstracts of the effect of documents for the documents themselves? Immediately upon the death of anybody, his or her affairs must, on the principle of this act, become a subject for litigation; and whereas the event might never happen in which a point of construction would arise, yet, unless I mistake the effect of the act, or unless the registrar takes refuge in a verbatim copy of doubtful limitations, he must give and record his opinion thereon; but if, as would be most likely to happen, he should take refuge in such verbatim copy as I have referred to, what does this boasted act afford beyond expensive amusement? It never was intended, and is not the effect of the act, in any view of it, that devisees, or heirs, or volunteers should have an indefeasible title, so that they may settle their differences amongst themselves or with the registrar, by reference to the words of the will on proceedings in ejectment at common law, but only so long as a purchaser for valuable consideration is not introduced; for, as I read, charitably, the 20th section of the act, or rather conjecture what was intended to be thereby expressed, I should not be able to disturb a *bonâ fide* purchaser for valuable consideration registered, from a vendor registered, unless I could do so by reference to the terms of the registration, out of which I should not be allowed to travel. Now, what reason for this difference can be alleged? Why am I not entitled to the benefit of the very words of the will after, as well as before, the sale by my registered rival? Why am I bound to fight out the matter before the registrar, and convince him, or for ever after the said sale hold my peace? It is nothing less than a system of crude and hasty litigation which the public are asked to impose on themselves as final, even if it proved so; for, as to the finality of it, the registrar would be more highly gifted than ordinary mortals if he avoided falling into ambiguous expressions; and I confess I am prejudiced enough to prefer endeavouring to find out the intention of a testator or settlor from his or her own words, than from those of any registrar. Have we not already acts of Parliament that enable us to lease and convey in a very brief form? Who ever makes use of these statutes? I fear the Transfer of Land Act is similarly ill-adapted to the working of wills and settlements; it is not, indeed, by its supporters, including Mr. Edwards himself, represented as a boon to those who do not sell, but keep, their real property. Marriage settlements, which sometimes are of slow growth in the chambers of conveyancers would be still more delayed if in every case the registrar had to determine the title of what was intended to be settled; and it would seem rather absurd for the parties to pay the expense of a settlement in the ordinary form, in order that the registrar might abstract the effect thereof in a few lines, the correctness of which abstract, I admit, would be capable of being questioned until the great terminator of all disputes, the purchaser for valuable consideration, enters upon the stage, like the hero, albeit somewhat tinselled, of a melodrama. That nothing should be had without litigation appears to be the ruling spirit of the act; I cannot, therefore, understand how Mr. Edwards was led to attribute any personal motives to the solicitors in their opposition to it. But,

as I have before observed, by your kind permission (8 Jur., N.S., part 2, p. 165), the main section of the act, at least, ought to be free from doubt as to its interpretation; and I think I may state, without fear of contradiction, that sect. 20 is not so. I perused Mr. Edwards's book in order that my doubts on this head might be, if possible, removed; but, far from removing them, Mr. Edwards has only confirmed them. At pp. 72 and 73 he writes as follows:—"The act only declares, 'that, subject &c., the persons originally, and from time to time named and described in such record of title'" (now follows Mr. Edwards's explanation); "that is, the applicant or applicants, and subsequently owners, other than purchasers, mortgagees, &c., 'shall, for the purposes of any sale, mortgage, or contract for valuable consideration, by such persons respectively, be and be deemed to be &c.'" that is, according to Mr. Edwards's exposition, purchasers, mortgagees, &c., have no title whatever under the act, for any purpose whatever. Why did Mr. Edwards fall into this error? Because he felt the passage was obscure; that even the "unlearned" mind, for which he professes to write, might, though not of a legal turn, require something more than a title expressed to be good "for the purposes of" &c. I may, however, err in attributing this as a slip of the pen to Mr. Edwards; for by reference to p. 25, in treating of the case of Mr. Roupell, and in pointing out an error into which a correspondent of the *Solicitors' Journal* appears to have fallen, we find the author stating, that "the applicant can never obtain an indefeasible title. He (the purchaser from Roupell) would have been placed on the register, *probably*, but the title would not become indefeasible until the property came into the hands of a purchaser subsequently for valuable consideration, without notice of the fraud." May I ask Mr. Edwards whether such last-mentioned purchaser would have appeared in the record of title? and, if so, what is meant by the exception in his commentary on sect. 20? Perhaps it is a just conclusion, from the whole of the book, that the author's mind is not yet quite clear upon the effect of the 20th section; for he congratulates himself on having the authority of Lord St. Leonards in favour of the proposition, that it is unnecessary for a purchaser of a registered title to go back beyond the register. His Lordship's sentence, however, commences with "*But it is said*, when on the registry, &c.;" and he must be a sanguine man that deduces from the whole sentence anything beyond a statement by his Lordship of what would follow on a certain assumption. Nor is this the only blot on the act. In the 105th section (p. 105 of Mr. Edwards's book) it is declared, that "the act or thing done or obtained by means of such fraud or falsehood shall be null and void to all intents and purposes, except as against a purchaser for valuable consideration without notice." Does not this mean, according to grammatical construction, that such act or thing should be good as against such purchaser? Was not the very opposite of this idea intended to be expressed? Who can doubt that the words "as against" ought to have been "on behalf of"?

I confess I am not at all surprised that the act is a dead letter, and I fear it will continue so, notwithstanding Mr. Edwards's ingenuity, until, at all events, the intention of the Legislature be better expressed, apart from any question as to the advisability or non-advisability of the scheme. I am not clear as to the proposition which Mr. Edwards lays down, that a system which works well in a young colony would necessarily suit the old country, nor do I think boundaries the only difficulty. On the whole, the "unlearned man" (p. 32) will probably do well to pause before taking the advice of Mr. Edwards, contrary, as it is, to that of Lord St. Leonards, to whose "crushing

irony" the author alludes (p. 138). Mr. Edwards finally remarks—"Every one must admit that certainty of title to land, facility of dealing with it, and economy in dealing with it, are three objects most desirable" (p. 163). Alas! that "blind prejudice and shortsighted self-interest," to which Mr. Edwards next refers, should have failed to see the reality of the possibility of these acquisitions under or by virtue of the Transfer of Land Act!

Your obedient servant,  
Rolls Chambers, Chancery-lane. G. L.  
Feb. 18, 1863.

### LAW STUDIES AT OXFORD.

THE following is the form of the new statute of the University of Oxford, which was submitted to CONGREGATION on Thursday, the 12th instant:—

"Placuit Universitati.

"Stat. Tit. VI. (IX.) ii. § 8, 26, 27 (p. 105, ed. 1861) abrogare, et hæc quæ sequuntur subrogare.

"26. Nemini in hac schola concedatur testimonium, nisi qui rerum in Anglia ab anno salutis millesimo sexagesimo sexto usque ad annum millesimum quingentesimum nonum gestarum, et portionis illius *Legum Angliæ, quæ res immobiles spectat*; vel rerum in Anglia ab anno salutis millesimo quingentesimo nono usque ad annum millesimum septingentesimum secundum, et portionis illius *Legum Angliæ* quæ res mobiles spectat et personas, se peritum præbuerit. Candidatis tamen liceat in locum hujus vel illius Juris Anglici partis *Jus Romanum* substituere. Porro concedatur ut quisvis examinandus in locum hujus vel illius partis *Historiæ Anglicæ celeberrimum opus Adami Smith 'De Gentium Opibus,' vel alium quendam probatum librum in eadem materie, una cum Historiæ Indiæ Britannicæ, substituat.*

"27. Quod ad illos attinet qui honorem aliquem in hac schola petunt, materies examinationis esto *Historia recentiorum temporum usque ad annum a Christo nato millesimum septingentesimum octogesimum nonum, et Jurisprudentiæ. Juris Anglici hanc saltem vel illam partem adhibeat quisque, vel Jus Romanum, aut, si malit, utrumque. Ceterum nisi jus et Anglicum adhibeatur et Romanum, adjungatur semper vel Jus (quod vocant) Belli et Pacis, vel liber aliquis probatus de Gentium Opibus.*

"The amended portions are printed in italics; and clauses 26 and 27 are transposed from the original."

The text of the old statute is subjoined:—

"26. In schola autem jurisprudentiæ et historiæ modernæ hæc esto materies examinationis; historia recentiorum temporum usque ad annum a Christo nato millesimum septingentesimum octogesimum nonum, jurisprudentiæ, et specialiter leges Angliæ, Jus civile, aut jus quod vocant belli et pacis, ab omnibus primam, secundam aut tertiam classem ambientibus, semper requiri volumus. Celeberrimum etiam illud opus philosophi nostratis Adami Smith '*De Gentium Opibus*,' candidatis adhibere liceat.

"27. Nemini autem in hac schola concedatur testimonium, nisi qui rerum in Anglia ab anno salutis millesimo sexagesimo sexto usque ad annum millesimum quingentesimum nonum gestarum, et portionis illius commentarium Gulielmi Blackstone, editione probatissima semper adhibita, in qua de rebus immobilibus disseruit vir doctissimus—vel rerum in Anglia ab anno salutis millesimo quingentesimo nono usque ad annum millesimum septingentesimum secundum, et legum quæ apud nos res mobiles spectant et personas, eodem jurisconsulto auctore, se peritum præbuerit. Candidatis tamen liceat in locum hujus vel illius juris Anglici partis Institutiones imperiales substituere."

It will be seen, that the object of the new statute is to enable candidates to substitute any other approved works for those of Blackstone and Adam Smith; and we are informed, that the suggestors of the alteration contemplate the occasional or frequent substitution of "Williams on Real Property," for "Blackstone's Commentaries."

### THE INNS OF COURT AND THE BAR IN EARLY TIMES.

WITHOUT entering upon any considerations of the particular alterations proposed by Sir George Bowyer, or anticipating the result of the deliberations of the Benchers, it may not be without its use to refer to some of the characteristics which, from the earliest days, have distinguished the societies which are known as the "Inns of Court." Not long since, in referring to their constitution and their history, we had occasion to advert to the remarkable fact that, from their origin to the present day, they have maintained the character of voluntary societies, with no legal incorporation, and regulated entirely by the rules which the members themselves have thought proper to frame. The subject is a curious one, and possesses much more historic and constitutional interest than might at first appear. It is one upon which we have but little information; but the few facts which we do know all lead to the conclusion that, for the freedom of our laws and for the existence in England of an independent Bar of advocates, we are in some degree indebted to this very voluntary character of the societies which now occupy the Inns of Court.

Of the precise period of their origin we have no accurate information. Sir William Blackstone follows the tradition recorded by several older writers, and fixes it about the period of the Great Charter, when the Court of Common Pleas became stationary at Westminster. Dugdale thinks that before the days of Edward II we have no certain memorials on their history—nothing but vague traditions. But it seems certain that some of them existed in the early years of Henry III. We must remember that just about that period a great, although silent, revolution in the administration of the law had been almost completed by the gradual transfer of the judicial business of the country from the old Saxon Shire-motes or County Courts to the King's Court. This was accomplished by the free exercise of a prerogative always claimed by the Sovereign, of directing any particular cause to be disposed of in the tribunal in which he himself presided. Under the Saxon monarchs the power was rarely used. Under the Norman Sovereigns, it was so generally resorted to, that at last the King's "original writ" was issued to any plaintiff who chose to pay for it. The result was, that the old tribunals fell into comparative disuse, and when Magna Charta fixed at Westminster that department of the Curia Regis which attended to the Communia Placita, or Common Pleas, that Court was the great tribunal of civil justice for the realm. The change was much more than the substitution of one central tribunal for a number of local courts. In the Shire-motes the freeholders of the county were the judges, the pleadings were simple and informal, and everything was conducted in the Saxon tongue. The King's Court was the personal tribunal of the Sovereign, and under the Norman princes it was modelled after feudal forms. The justices were appointed by the King. They prescribed a technical and highly artificial system of pleading, and the proceedings were conducted in Norman French, because that was the language spoken by

the King. The old tribunals had been attended by men who professed to devote themselves to the study of the law, but no special order of advocates existed. Advocacy was free. In the royal tribunal it was an essential principle that the conduct of all causes should be intrusted to officers of the King, attending on him in his court of justice, and thence called *servientes ad legem*, or *serjeants-at-law*. These officers were appointed by the King's writ, and were removable only by the same. They assumed their dignity with a costly and showy ceremonial, and were, in fact, legal officers of State. That, by the very constitution of the Court they were exclusively the practitioners, was clearly established in the argument before the Privy Council on the legality of the warrant by which William IV attempted to admit the general Bar to practise in the Common Pleas. Those who wish for full information on this curious subject will find it in Serjeant Manning's Report of that argument, with the documents he has annexed. It is enough for our present purpose to say, that it was then clearly proved that, so far as the King's Court was concerned, these officials of the Crown were the only English Bar. The influence of the change extended far beyond its effect upon the conduct of suits. Under the new system, law became a science known only to a few. The rules of special pleading, and the complex system of real property introduced by the feudal tenures, occupied a larger portion of that science than the maxims of the old English common law. With the gradual disuse of the tribunals in which the people themselves administered that law, the knowledge of it declined. There was no school of legal education in which the gentry might still acquire the knowledge which these courts had taught. The Universities taught only the civil and the canon laws. The laws of Edward the Confessor were still the laws of England; but with the administration of justice in the hands of the feudal lawyers of the King's Court, it seemed probable that they might gradually be displaced by feudal principles, and that, in the conflict between the Norman and the English elements of the law, the old Saxon common law, like the old Saxon tribunals, might be insensibly superseded and set aside.

Such was the state of things at the period when we first find a trace of the voluntary societies of lawyers. We have no record of the class of persons who were their original members. We only know that they were not the *serjeants-at-law*. No *serjeant* was ever a member of an Inn of Court. There is, no doubt, truth in the tradition which tells us that they were the men of the law collected from all parts of the kingdom. They were, probably, the practitioners of the Shire Courts, driven from them by the decline of business in those tribunals. Although incapable of pleading in the King's Court, they were at liberty to act as the counsel, or advisers, of those who had suits, and in this capacity it seems probable that they attended the Common Pleas. They purchased houses which were designated Inns of Court, in which they established themselves under the modest pretext of providing a residence for persons engaged in attendance on the Court. There cannot be the slightest doubt that this was the ostensible object, and it is equally certain that with this ostensible object they combined another and a very different one—that of seminaries of instruction in the law. Lord Campbell describes them as "originally mere dining clubs, like the clubs at the West End." But they were clubs which admitted as their members persons wishing to study the law. We cannot help thinking that much of the obscurity which rests over their early history arises from the fact that they were schools of law, disguised under the semblance of mere

"hostels" or clubs. Henry III was not particularly anxious that his subjects should be well versed in the institutions of Alfred or the laws of Edward the Confessor. Some attempts to teach the law had been suppressed with a high hand. A writ is extant in which Henry III commands the mayor and sheriffs of London to proclaim—literally, to shout out through the city, *clamari facient per totam civitatem*—that no one should presume to teach the law within its walls. Blackstone supposes that this was intended as an act of favour to the new schools. There is not a trace of such a motive in the ordinance itself. Nothing would have been easier than for his Majesty to command the mayor and sheriffs to "shout out" to the citizens, that the King prohibited schools of law in the city, because he wished them to learn it much better elsewhere. But it is impossible to believe that if the King really patronised the legal seminaries, it would not have been manifested by a charter or at least a license, and that their character as schools of law would not have been distinctly recognised. The facts are, that very soon after the date of that writ, we find men teaching the law in houses which they purchased at the village of the "Old Bourn," on the slope that is now Holborn Hill, just outside the boundaries of the city, as if the locality were selected to escape the King's prohibition and the authority of the mayor. Four principal societies were in time established; and to each of these were attached some subordinate ones, which were constituted to the number of ten more. It is a remarkable fact that not one of them ever assumed any collegiate title, but they were known only by the name of the mansion which they occupied for the time. Gray's and Lincoln's Inns derived their names, the one from a house which had been the residence of Baron Gray, the other from the mansion of Lacy, Earl of Lincoln. The ten subordinate houses were beyond all question mere halls for the reception of pupils preparatory to their entrance into the others, yet these professed to be nothing more than "clubs" for the convenience of the clerks in the offices of the courts. They were, therefore, called Inns of Chancery, as the others were Inns of Court. How or when they first submitted themselves to the jurisdiction of the judges does not appear, but they received, no doubt, protection in return. They are described by Stowe as societies which "are not corporations, nor have any judicial power over the members, but have certain orders among themselves which, by consent, have the force of law." They acquired such reputation as schools of law, that when Sir John Fortescue wrote in the days of Henry VI, they had nearly 2000 students, "all gentlemen born," sent by their parents to learn the law, not for the purpose of making a living by its practice, but to complete their education by its study. Twenty marks at least was each student's annual expense, but "if he had a servant with him, as many of them had, the expense was much greater." The sons of the first nobility became pupils in these schools. Their education was not confined to the law. They were taught all the polite accomplishments necessary for a gentleman—to dance, to sing, to play upon instruments, and fence. Divinity even was not forgotten "on festival days," and masques, plays, and revels were provided for them, so that they might "in no exercise be behind those who were brought up in the King's house."

After some time, we find the members of these voluntary associations admitted to practise as advocates in two of the King's Courts. They never succeeded in interfering with the exclusive privileges of the *serjeants* in the Court of Common Pleas, but when the Courts of Queen's Bench and Exchequer assumed jurisdiction over the ordinary class of ac-

tions, the "apprentices" became advocates in these courts. Every student of legal history is acquainted with the strange fictions by which these two latter courts assumed the right of entertaining such suits. In the exercise of this irregular jurisdiction they were not bound by the formalities which regulated the more legitimate proceedings of the Court of Common Pleas. They felt themselves at liberty to dispense with the feudal principle of the necessity of a serjeant in a proceeding which was in its very nature a departure from all ancient rule. The probability is, that at first these courts adopted the old Saxon principle of admitting any person to plead before them, and that, when a rule was established restricting advocacy to those who followed it as a profession, the judges received only those who were "apprentices" of the Inns of Court. The position of these apprentices became in time firmly established, until at last it became a custom to issue the King's writ, constituting as serjeant only to those who had previously been apprentices of one of the Inns; but, as Lord Brougham observes, this is merely matter of usage, not of law. There is no law that prohibits the Queen from making any man she pleases a serjeant-at-law. Buller was made a judge and a serjeant long before he had gone through the sixteen years' apprenticeship, which is said to be a qualification for the coif. But no consideration shewn to them ever induced these societies to part with their character of independence. In the high prerogative days of the Tudors and the Stuarts attempts were occasionally made to use the Privy Council, and the judges, and even the Star Chamber, as the means of issuing orders as to their discipline. The interference was not greater than would unhesitatingly have been exercised by the same authority in the case of any private society of gentlemen in the realm. A record in Lincoln's Inn shews how, in one instance, the societies evaded a dispute with the Royal authority without admitting its right to interfere. They accepted some regulations sent to them by James I, the Privy Council, and the judges, but they took care to enter that they were "orders agreed upon by the common and uniform consent of the Masters and Benchers, which orders proceeded first from his Majesty's special care and commandment, and were recommended to the Masters and Benchers by the grave advice and direction of all the judges."

These few hints upon a subject which will well repay a much more extended inquiry, may be sufficient to shew that the cause of English freedom owes something to these voluntary societies of men practising and studying the law. They taught the knowledge of the free principles of the common law to a large number of the nobility and gentry of England. They supplied to the courts an independent Bar, and asserted the liberty of advocacy against the feudal principles which restricted it in the King's Courts to officers appointed by the King. Had they not done so, it is impossible to say what use, in some period of English history, might have been made of the power of the Crown over a Bar exclusively constituted by the King's writ. We are not sure that they could have done all this had they derived their existence from any charter of a King. Under existing circumstances, it may be well that the memory of these things should be recalled. The time, perhaps, may be past when the acceptance of privileges conferred by charter or act of Parliament involves a surrender of independence. Yet those who know the value of old associations may think that any apparent advantage might be dearly purchased by the slightest infringement of the absolute independence and self-government which for nearly seven centuries these societies have preserved. They may well feel a pride, after the passing

of those centuries, in being still what they were at the commencement—"mere voluntary associations of men practising and studying the law." Would it be well, either for the law or these societies, that they should lightly part with traditions which, once broken up, can never be recalled?—*Saturday Review*.

## THE PRESENT TREATMENT OF CRIMINALS.

THE following is an extract from an excellent article in *The Times* of Friday, February 13:—

We have before us a record of the cases tried at the Central Criminal Court, the Middlesex Sessions, and the police courts, during the last few days. From these we propose to select a sufficient number of examples to prove that the belief in the frequency of outrages by old offenders is no mere fancy, though they may often be committed after the ticket-of-leave has expired. To begin, then, with the 30th January: a chemist, named Worthy, was committed for trial by the Lord Mayor on a charge of forgery, after two former convictions, one for a similar offence, another for larceny. On the same day, a hunchback, named Vimpiny, was committed for coining, after a previous sentence of ten years' penal servitude, five of which had been remitted. Upon his trial it appeared that he was connected with Cummings, recently indicted for participation in the Bank forgeries; that he had "a collection of the most expensive instruments," and carried on his operations on a first-rate scale. On the following day, a man who was committed for a daring highway robbery at Camden-town, was proved to have been "a thief from a child, several times convicted of felony, and the companion of notorious thieves," and to be cohabiting with a well-known female thief. On the 2nd February, a woman was convicted before the Common-Serjeant for a second larceny from her master, into whose service she seems to have entered "for the primary object of robbery;" and a general dealer was committed for trial by Mr. Barker for larceny from the person after, at least, two previous convictions. On the 3rd February, four burglars were tried, and sentenced by the Recorder of London and the Common-Serjeant. One had "again and again been summarily convicted;" another had "a numerous list of convictions" against him; a third "had been convicted only once before." Three boys were found guilty, the same day, on various charges of stealing, all of whom had been imprisoned before, and one had been sent to a reformatory for three years. On the 4th February, a female pickpocket, who was convicted before Mr. Baron Channell, was described as "one of the oldest and most expert omnibus thieves in the metropolis," and had been imprisoned many times for this practice during the last seven years. On the same day, a costermonger was committed for trial by Mr. Barker, who "had been a thief from his childhood." Nine months' imprisonment in 1837, six months' in 1858, nine months' in 1859, three months' in 1860, three months' again in 1861, three months' more in 1862, besides narrow escapes, were among the antecedents of this veteran pilferer. A ferocious negro sailor pleaded "guilty," the next day, to a charge of burglary after a former conviction; and one of the most desperate members of the "Field-lane gang" was brought to justice after a long series of robberies. The present week has been scarcely less fruitful in cases of equal aggravation. At the Middlesex Sessions, on Tuesday, two servants, who had robbed master after master, but had managed to elude the police by constant change of names, at last met with their deserts. Another prisoner, who was found guilty of

stealing fowls, was proved to have suffered imprisonment for burglary, and many other offences; and another prisoner, George Jones, had the following list of sentences put in against him:—"Three months in 1844; three months, 1847; two months, 1848; nine months, 1850; two months, 1854; three months, 1855; twenty-one days in 1860; six months, 1861; and six months in 1862"—making nine convictions in all. As a pendant to this biography, we may give that of George Seymour, contained in our impression of yesterday:—"March, 1850, twelve months' hard labour; June, 1852, six months'; April, 1855, eighteen months', for burglary; July, 1858, five years, for burglary; but before this sentence was expired, the prisoner was liberated on a ticket-of-leave. He was again convicted in September, 1862, at Bow-street, as a rogue and a vagabond, and sentenced to be imprisoned for three months." Four other cases of reconversion are recorded on the same page as this, and in three the prisoners had undergone penal servitude.

These facts and figures tell their own story. All of them came to light within less than a fortnight in London alone. Doubtless, there were other prisoners whose identity as returned convicts could not be proved, or who had come into the hands of magistrates in distant parts of the country. It is well known, that the police often fail to obtain evidence of previous convictions, and that many acts which pass as first offences are really the last fruits of a long training in crime. There can be no "exaggeration" about such a list as this; on the contrary, it represents but a trifling per-centage of the results which flow, directly or indirectly, from the system of punishment as it has too long been administered.

It is to be hoped, that the hint thus given will not be lost sight of by the Royal Commission sitting on the present treatment of criminals. If, in order to ascertain the working of the system, they rely on reports and statistics presented to them by officials, everything will appear *coulour de rose*, and their proceedings prove a solemn farce. We trust, however, that, following the example here set, they will inquire for themselves; and thus make their proceedings not only a reality, but a terrible one, to the dangerous classes of the community, as well as a warning to all blind theorists and ill-judging philanthropists.

### THE LEGAL PROCEDURE SOCIETY.

We take the following from the *Law Times*:—

A society, calling itself "The Legal Procedure Society," has been formed under the auspices of Mr. J. W. Smith, of the Temple, for the purpose of procuring a reform in procedure, by way both of increasing speed and diminishing costs. Recent changes have not gone far enough to satisfy Mr. Smith, although it would be difficult to devise a further curtailment of process, without abolishing forms altogether, and leaving every case to *cadi justice*. Nor without this would it be possible to make much reduction of cost, for the expenses now are not for procedure, but for trial, and are inevitable in any manner of administering justice. Besides, recent experience seems to say that cheap law is not the good thing it appears to be; that it may be made as ready an engine of oppression as dear law, with the disadvantage of cultivating a litigious spirit by the facility provided for its exercise. But Mr. Smith shall speak for himself.

"The first principle is, that 'every right and obligation conferred or imposed by the law should be

enforceable at all times, and, as far as possible, within reach of all places alike.'

"The second is, that 'the appearance of both parties before the judge should be the first step in every cause.'

"In pursuance of the first of the principles above laid down, the society will point out the folly and injustice of the present antiquated system of terms, vacations, and circuits, which governs the superior courts, under which there are three full courts, sitting simultaneously during only twelve weeks, scattered over the year in bunches of three, under which country causes can only be tried in the country twice a year, and London causes can only be tried in London at certain limited times, and with unseemly haste and ruinous delay, and under which no cause whatever can be tried between the beginning of August and the beginning of November.

"The society will point out that, if we had one superior court with fifteen judges, instead of three courts each consisting of five judges, then one judge sitting every day throughout the year would clear off all the London and Middlesex causes (which number about 1200 per annum); one judge would suffice for the criminal business of the metropolis; one would do all the work at chambers; a full court of four judges could be always sitting and accessible; and seven judges, by going down once a month to one or two towns in each of the circuit districts, would, in ten days, clear off all the civil and criminal business, which averages ten causes and thirty-five prisoners per month to each circuit. Causes would thus be tried as rapidly in the superior as in the inferior or county courts, and one month would be substituted for six months as the maximum of time during which an accused person would lie in goal waiting for his trial."

SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.—A meeting of this society took place at its rooms, 3, Waterloo-place, Pall-mall, on Monday, the 2nd February; James Vaughan, Esq., in the chair. The following resolution was moved by Mr. Edgar:—"That, considering the valuable and lengthened services of the Right Hon. Lord Brougham, the president of this society, in the cause of law reform, and especially with reference to the treatment and punishment of criminals, the society have learned with regret the omission of his lordship's name from the royal commission recently issued to inquire into the question of convict discipline, and desire to place on the minutes their protest against such omission." The motion was seconded by Mr. Edward Webster. Mr. S. B. Bristowe opposed the motion, and moved to pass to the order of the day. The amendment was seconded by Mr. Montague Bere. After some observations from Mr. R. Stuart and Mr. Hastings, Mr. Edgar consented to modify the original resolution, by omitting all the words after the word "discipline." The amendment was then withdrawn, and the original motion, as altered, unanimously carried. Mr. Shaw Lefevre read a paper on the "Discipline of the Bar." Mr. Wingfield proposed that the paper be printed and circulated. The motion was seconded by Mr. Palmer. Mr. Bere, Mr. E. Webster, Mr. Hastings, Mr. R. Stuart, and Mr. Vaughan spoke on the motion, which was afterwards put to the meeting and unanimously carried. The meeting then adjourned.

The Supreme Court of the colony of Queensland has appointed William Chubb, of No. 14, South-square, Gray's-inn, London, Solicitor, a Commissioner for taking affidavits in causes depending in the said Court in the United Kingdom of Great Britain and Ireland.

## BOOK RECEIVED.

Principles of Conveyancing explained and illustrated by Concise Precedents. With an Appendix on the Effect of the Transfer of Land Act in modifying and shortening Conveyances. By Hubert Lewis, B.A., late Scholar of Emm. Coll., Cambridge, of the Middle Temple, Barrister-at-Law. 8vo., pp. 516.—Butterworths.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—Joseph Francis Kingdon, of Wirksworth, Derbyshire, in and for the county of Derby; Benjamin Boucher, of Wiveliscombe, Somersetshire, in and for the county of Somerset; Henry Rogers, of Stourbridge, Worcestershire, in and for the county of Worcester, also in and for the county of Stafford; George Hollings, of Carlton Chambers, Regent-street, in and for the county of Middlesex, also in and for the city of London.

MASON, JOHN, and MASON, HENRY, Plymouth, Devonshire, millers, March 4, East Stonehouse. *Off. Ass. Pearce; Sol. Fowler, Plymouth.*—*Pet. f. Feb. 11.*

MELLOWS, THOMAS, Leicester, farm bailiff, March 2, Loughborough. *Off. Ass. Brock; Sol. Spooner, Leicester.*—*Pet. f. Feb. 10.*

MILLER, FRANCIS, Portsea, Hampshire, market gardener, Feb. 28, Portsmouth. *Off. Ass. Howard; Sol. Pafford, Portsea.*—*Pet. f. Feb. 10.*

MOORES, SIMON, Congleton, Cheshire, grocer, Feb. 21, Congleton. *Off. Ass. Latham; Sol. Welch, Congleton.*—*Pet. f. Feb. 9.*

NEWTON, THOMAS, Toxteth-park, near Liverpool, grocer's assistant, Feb. 25, Liverpool. *Off. Ass. Hime; Sols. Hughes. Liverpool; Walker, Wellington, Shropshire.*—*Pet. f. Feb. 11.*

O'CONNOR, JOHN, Liverpool, dealer in marine stores, Feb. 24, Liverpool. *Off. Ass. Hime; Sol. Best, Liverpool.*—*Pet. f. Feb. 9.*

OLIVER, WILLIAM, Old Swan, near Liverpool, joiner, Feb. 27, Liverpool. *Off. Ass. Morgan; Sol. Etty, Liverpool.*—*Pet. f. Feb. 9.*

OLLIVER, WILLIAM, St. Cleer, Cornwall, carpenter, Feb. 25, Liskeard. *Off. Ass. Childs; Sol. Coad, Liskeard.*—*Pet. f. Feb. 9.*

PAGE, FRANCIS, Walton-upon-Trent, Derbyshire, carpenter, March 9, Burton. *Off. Ass. Hubbert; Sol. Leech, Derby.*—*Pet. f. Feb. 9.*

PARKER, THOMAS NATHANIEL, and PARKER, WILLIAM HOWTON, Birkenhead, Cheshire, and Liverpool, house agents, Feb. 27, Liverpool. *Off. Ass. Morgan; Sol. Harris, Liverpool.*—*Pet. f. Feb. 11.*

PAKE, WILLIAM, Lower Barton-street, near Gloucester, manufacturing chemist, Feb. 27, Bristol. *Off. Ass. Acraman; Sol. Wilkes, Gloucester.*—*Pet. f. Feb. 2.*

PLANT, CHARLES, Sandbach, Cheshire, licensed victualler, Feb. 21, Congleton. *Off. Ass. Latham; Sol. Welch, Congleton.*—*Pet. f. Feb. 11.*

RUSSELL, EDWARD, Reigate, Surrey, out of business, Feb. 25, Reigate. *Off. Ass. Hart; Sol. Silvester, 18, Great Dover-street, Southwark.*—*Pet. f. Feb. 11.*

SELLERS, RICHARD, Blackburn, Lancashire, butcher, Feb. 25, Manchester. *Off. Ass. Hernaman; Sol. Gardner, Manchester.*—*Adj. Jan. 14.*

STEWART, JOHN, Liverpool, joiner, March 2, Liverpool. *Off. Ass. Hime; Sols. Evans & Co., Liverpool.*—*Adj. Jan. 15.*

SULLIVAN, DANIEL, Liverpool, fruiterer, March 2, Liverpool. *Off. Ass. Turner; Sol. Husband, Liverpool.*—*Pet. f. Feb. 9.*

SYMONS, GILBERT, Liskeard, Cornwall, plumber, Feb. 25, Liskeard. *Off. Ass. Childs; Sol. Hington, Liskeard.*—*Pet. f. Feb. 9.*

TAYLOR, SAMUEL, Manchester, provision dealer, March 9, Manchester. *Off. Ass. Kay; Sol. Law, Manchester.*—*Pet. f. Feb. 10.*

TALBOT, WILLIAM, Manchester, commission agent, March 9, Manchester. *Off. Ass. Kay; Sol. Dawson, Manchester.*—*Pet. f. Feb. 9.*

TRINGHAM, JOHN, Hereford, painter, March 3, Hereford. *Off. Ass. Reynolds; Sol. Garrold, Hereford.*—*Pet. f. Feb. 11.*

VOISEY, JOHN, the elder, Prittlewell, Essex, and VOISEY, JOHN, the younger, Southend, cabinet makers, March 4, Rochford. *Off. Ass. Swaine; Sol. Wood, Rochford.*—*Pet. f. Feb. 7.*

WALKER, WILLIAM, Ashton-under-Lyne, Lancashire, stonemason, March 5, Ashton-under-Lyne. *Off. Ass. Worthington; Sol. Toy, Ashton-under-Lyne.*—*Pet. f. Feb. 10.*

WILKINSON, JOHN, Bellingham, Northumberland, grocer, Feb. 23, Bellingham. *Off. Ass. Cook; Sol. Taylor, Hexham.*—*Pet. f. Feb. 7.*

WILKINSON, WILLIAM, New Lenton, Nottinghamshire, overlooker of raising machines, Feb. 25, Nottingham. *Off. Ass. Patchitt; Sol. Preston, Nottingham.*—*Pet. f. Feb. 10.*

WILLIAMS, GEORGE, Llanavon Dorstone, Herefordshire, farmer, March 6, Birmingham. *Off. Ass. Kinnear; Sol. East, Birmingham.*—*Pet. f. Feb. 10.*

WILLIAMS, THOMAS, Liverpool, ironmonger, Feb. 27, Liverpool. *Off. Ass. Hime; Sol. Browne, Liverpool.*—*Pet. f. Feb. 11.*

## BANKRUPTCIES ANNULLED.

BLAKE, THOMAS TREVILLON, Dymchurch, Kent, farmer.  
SOLLOWAY, EDWARD, Stafford, clicker.

TUESDAY, Feb. 17.

## BANKRUPTS.

To be heard in London.

ADAMS, MARY, Berkeley-mews West, Connaught-square, Edgeware-road, widow, March 5. *Off. Ass. Graham; Sol. Herring, 17, Stafford-street, Marylebone-road.*—*Pet. f. Feb. 10.*

ADAMS, SAMUEL, Great Waltham, Essex, farmer, March 3. *Off. Ass. Cannan; Sol. Duffield, 20, Cornhill, and Chelmsford, Essex.*—*Pet. f. Feb. 12.*

BLENKARN, ALFRED BOWER, Winterslow-place, Vassall-road, Brixton, in no business, March 5. *Off. Ass. Graham; Sols. Wood & Co., Aldergate-street.*—*Pet. f. Feb. 12.*

BROWN, JAMES, Raphael-street, Knightsbridge, out of employment, March 5. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Feb. 11.*

CALLOW, JOHN, Twickenham, assistant to a veterinary surgeon, March 5. *Off. Ass. Graham; Sols. Blakeley & Co., 26, Nicholas-lane, Lombard-street.*—*Pet. f. Feb. 13.*

COOKE, BENJAMIN WILLIAM, Burton-crescent, New-road, insurance agent, March 3. *Off. Ass. Edwards; Sols. Gibbs & Co., 3, Lothbury.*—*Pet. f. Feb. 13.*

COX, JOHN WALTER, Pembury, Kent, builder, March 3. *Off. Ass. Stanfield; Sols. Halse & Co., Tunbridge Wells, and 61, Cheapside.*—*Pet. f. Feb. 13.*

DIRRY, LOUIS, Dulwich, Surrey, professor of languages, March 3. *Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Feb. 12.*

DORSON, JOHN, Union-row, High-street, Camberwell, optician, March 3. *Off. Ass. Edwards; Sol. Hare, 3, Old Jewry.*—*Pet. f. Feb. 12.*

FERNOR, JOHN, Bushey-heath, Hertfordshire, builder, March 3. *Off. Ass. Cannan; Sol. Camp, 12, Paternoster-row.*—*Pet. f. Feb. 12.*

FAYRE, WILLIAM, Hungate, Norwich, boot manufacturer, March 3. *Off. Ass. Edwards; Sol. Doyle, Gray's-inn.*—*Pet. f. Feb. 11.*

GARDNER, HENRY ARTHUR, Upper George-street, Bryanston-square, cheesemonger, Feb. 28. *Off. Ass. Edwards; Sol. Cooke, 30, King-street, Cheapside.*—*Pet. f. Feb. 6.*

GILL, WILLIAM, Princes-road, Notting-hill, bootmaker, March 3. *Off. Ass. Edwards; Sol. Hope, 9, Ely-place.*—*Pet. f. Feb. 12.*

HODGES, NICHOLAS WILLIAM, Charlotte-street, Portland-place, book-keeper, March 3. *Off. Ass. Edwards; Sol. Greaves, 8, Gray's-inn-square, Gray's-inn.*—*Pet. f. Feb. 11.*

KER, THOMAS COLLINGWOOD, Leicester-cottage, Cornwall-road, Old Brompton, of no occupation, March 3. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Feb. 13.*

KEYES, JOHN, Fenton-place, Newington, and St. Martin's-place, Trafalgar-square, draughtsman, March 3. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Feb. 13.*

LANCEFIELD, HENRY JAMES, Faversham, Kent, grocer, Feb. 28. *Off. Ass. Stanfield; Sols. Fielding, Canterbury; Nichols & Co., 9, Cook's-court, Lincoln's-inn.*—*Pet. f. Feb. 9.*

MASON, GEORGE, Queen's-terrace, Queen's-road, New Cross, livery-stable keeper, March 3. *Off. Ass. Edwards; Sol. Hall, 21, Coleman-street.*—*Pet. f. Feb. 10.*

MURKINS, EDWARD, Maidstone, Kent, licensed victualler, March 3. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Feb. 12.*

RUTLAND, GEORGE, Luton, Bedfordshire, and Brighton, milliner, March 3. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Feb. 12.*

SILCOCK, ROBERT COOKE, Lincoln-place, New North-road, Hoxton, builder, March 3. *Off. Ass. Cannan; Sol. Foskic, 24, Broad-street-buildings.*—*Pet. f. Feb. 13.*

SMITH, WILLIAM BESTON, Sudbury, Suffolk, surgeon, March 3. *Off. Ass. Cannan; Sol. Bromley, 1, South-square, Gray's-inn.*—*Pet. f. Feb. 13.*

SPOONER, JOHN, Bishop's Stortford, Hertfordshire, linendraper, March 3. *Off. Ass. Edwards; Sol. Lloyd, 1, Wood-street.*—*Pet. f. Feb. 7.*

THOMAS, THOMAS, Princes-street, Cavendish-square, out of business, March 3. *Off. Ass. Graham; Sols. Ashurst & Co., 6, Old Jewry.*—*Pet. f. Feb. 16.*

THWAITES, CHARLES, and THWAITES, ARTIS CHARLES, Ann's-terrace, Paulston-square, Chelsea, carpenters, March 3. *Off. Ass. Stanfield; Sol. Buchanan, 15, Basinghall-street.*—*Pet. f. Feb. 12.*

To be heard in the Country.

ADAMS, RICHARD KIMBER, Southampton, baker, March 9, Southampton. *Off. Ass. Thorndike; Sol. Mackey, Southampton.*—*Pet. f. Feb. 7.*

ASLERT, WILLIAM, Portsea, Hampshire, retailer of ale, Feb. 28, Portsmouth. *Off. Ass. the registrar; Sol. Paffard, Portsea.*—*Pet. f. Feb. 11.*

BARNES, RUPERT, Stoke-upon-Trent, Staffordshire, plumber, Feb. 28, Stoke-upon-Trent. *Off. Ass. Keary; Sol. Stevenson.*—*Pet. f. Feb. 10.*

BATES, JOSIAH, Manchester, rope manufacturer, March 4, Manchester. *Off. Ass. Post; Sol. Horner, Manchester.*—*Pet. f. Feb. 14.*

BEAN, CHRISTOPHER, Lincoln, labourer, Feb. 27, Lincoln. *Off. Ass. Uppley; Sols. Brown & Co., Lincoln.*—*Pet. f. Feb. 12.*

BELL, THOMAS, Chesterfield, Derbyshire, milk-seller, Feb. 28, Sheffield. *Off. Ass. Young. Sols. Catta, Chesterfield; Smith & Co., Sheffield.*—*Pet. f. Feb. 14.*

BICKERTON, BENJAMIN, Wrockwardine, Shropshire, forgerman, March 6, Wellington. *Off. Ass. Newill; Sol. Walker, Wellington.*—*Pet. f. Feb. 12.*



- BIRCHWISTLE, DANIEL**, Bury, Lancashire, joiner, March 6, Manchester. Off. Ass. Herniman; Sol. Richardson, Manchester.—Pet. f. Feb. 13.
- BOFFEY, ROBERT**, and **BOFFEY, WILLIAM**, Ashton, near Wigan, Lancashire, farmers, March 2, Manchester. Off. Ass. Pott; Sol. Swan, Manchester.—Pet. f. Feb. 13.
- BUTCHER, ELIAS**, Everton, Lancashire, publican, Feb. 28, Liverpool. Off. Ass. Turner.—Adj. Feb. 12.
- BURGOYNE, WILLIAM**, Ryecroft-street, near Gloucester, builder, March 3, Gloucester. Off. Ass. Wilton; Sol. Smallbridge, Gloucester.—Pet. f. Feb. 12.
- BURTON, EDWIN JOHN**, Hulme, Manchester, manufacturer of fancy goods, Feb. 28, Salford. Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Feb. 12.
- CARRALL, HEZEKIAH**, Kingston-upon-Hull, out of business, March 4, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Pettingill, Hull.—Pet. f. Feb. 11.
- CASSIDY, JOHN**, Huddersfield, Yorkshire, plumber, March 5, Huddersfield. Off. Ass. Jones; Sol. Dransfield, Huddersfield.—Pet. f. Feb. 6.
- CHAMBERLAIN, WILLIAM WRIGHT**, Stratford-on-Avon, Warwickshire, coal dealer, Feb. 27, Stratford-on-Avon. Off. Ass. Hobbes; Sol. Lase, Stratford-on-Avon.—Pet. f. Feb. 12.
- CREETHAM, WILLIAM HENRY**, Hulme, Manchester, cashier, Feb. 27, Manchester. Off. Ass. Pott; Sols. Crowther & Co., Manchester.—Pet. f. Feb. 12.
- CLARKE, JAMES**, Exeter, butcher, Feb. 27, Exeter. Off. Ass. Daw; Sol. Toby, Exeter.—Pet. f. Feb. 11.
- CLATTON, JOHN**, Chesterfield, Derbyshire, farmer, Feb. 28, Sheffield. Off. Ass. Young; Sols. Cutts, Chesterfield; Smith & Co., Sheffield.—Pet. f. Feb. 14.
- COALE, ROGER**, Swindon, Wiltshire, tailor, March 7, Swindon. Off. Ass. Townsend; Sol. Rawlings, Melksham, Wiltshire.—Pet. f. Feb. 11.
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- COLLINS, WILLIAM**, Burn-bridge, near Selby, Yorkshire, publican, Feb. 28, Selby. Off. Ass. Newstead; Sol. Battle, Selby.—Pet. f. Feb. 13.
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No. 426, NEW SERIES.—Vol. IX.  
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FEBRUARY 28, 1863.

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H

## GAZETTES.—FRIDAY, Feb. 20.

## BANKRUPTS.

## To be heard in London.

AIRRY, JOHN, Shere, Surrey, builder, March 11. Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Feb. 16.

ALLT, THOMAS, Deptford, Kent, seed crusher, March 5. Off. Ass. Graham; Sols. Cattans & Co., 33, Mark-lane.—Pet. f. Feb. 14.

ARCHER, WILLIAM, Clutched-friars, and Hyde Side, Lower Edmonton, wine merchant, March 6. Off. Ass. Graham; Sols. Hilleary & Co., Finchbury-buildings.—Pet. f. Feb. 16.

ARNBURN, JOHN LAUNT, Millman-street, Bedford-row, commercial clerk, March 11. Off. Ass. Cannan; Sol. Hall, 21, Coleman-street.—Pet. f. Feb. 17.

BABBE, ANTHONY, Wellington-road West, Kentish-town, Middlesex, and Lower Thames-street, commission agent, March 5. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 16.

BURNARD, NEVILLE NORTHBY, Hugh-street, Pimlico, sculptor, March 3. Off. Ass. Stansfeld; Sol. Cooper, 9, Charing-cross.—Pet. f. Feb. 16.

BURNS, THOMAS, Triangle-place, Park-road, Clapham-common, plumber, March 5. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 17.

CHEFFNEY, WILLIAM MAITLAND, Pancras-square, Old St. Pancras-road, of no occupation, March 5. Off. Ass. Graham; Sols. Walter & Co., 8, Southampton-street, Bloomsbury.—Pet. f. Feb. 18.

COLSON, WILLIAM, Forest-hill, Sydenham, brick merchant, March 3. Off. Ass. Stansfeld; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Feb. 17.

COSTELLO, FRANCIS, De Beauvoir-grove, Kingsland, gentleman, March 11. Off. Ass. Cannan; Sol. Tatham, 17, Old Broad-street.—Pet. f. Feb. 17.

DIXON, REGINALD, Brixton, Surrey, hop dealer, March 5. Off. Ass. Graham; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Feb. 17.

FOLEY, EDWARD ALFRED, Gospel-terrace, Kentish-town-road, and Arlington-street, Camden-town, sculptor, March 16. Off. Ass. Stansfeld; Sol. Davis, 6, Old Jewry.—Pet. f. Feb. 16.

FORD, WILLIAM, Pangbourne, Berkshire, licensed victualler, March 5. Off. Ass. Graham; Sols. Holmes, 25, Great James-street, Bedford-row; Clarke, Reading.—Pet. f. Feb. 12.

FREEMAN, JAMES, and SHELLEY, FRANCIS, St. George's-mews, Hugh-street, Eccleston-square, livery-stable keepers, March 3. Off. Ass. Stansfeld; Sol. Voules, 16, Gresham-street.—Pet. f. Feb. 17.

FROSTICK, WILLIAM, Hild-terrace, Stockwell, Surrey, builder, March 11. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 17.

GARCIA, ABRAHAM, Cannon-street West, and Hammer-smith, auctioneer, March 12. Off. Ass. Edwards; Sols. Roscoe & Co., 14, King-street, Finsbury-square.—Pet. f. Feb. 11.

GLASSON, JONAH, Fore-street, Limehouse, boiler maker, March 3. Off. Ass. Edwards; Sol. Wells, 47, Moorgate-street.—Pet. f. Feb. 16.

HAMMOCK, STEPHEN, Park-road, Barnsbury, Islington, carpenter, March 11. Off. Ass. Cannan; Sol. Layton, 9, Church-row, Upper-street, Islington.—Pet. f. Feb. 16.

HAMMOND, HENRY, Lambeth-road, Southwark, painter, March 3. Off. Ass. Edwards; Sol. Jervison, 158, Strand.—Pet. f. Feb. 16.

HARDWICK, WILLIAM, Hook, near Kingston, grocer, March 3. Off. Ass. Edwards; Sols. Duncan & Co., 13, Southampton-street, Bloomsbury.—Pet. f. Feb. 13.

IGEL, WILLIAM, Wolverhampton, importer of eggs, March 12. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 13.

KELLY, ALFRED CORNELIUS, New-road, Hammer-smith, of no occupation, March 12. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 16.

LANCE, HENRY, Great Bland-street, Dover-road, commercial clerk, March 17. Off. Ass. Stansfeld; Sols. Moore, Wimbore Minster, Dorsetshire; Pain & Co., 2, New-inn, Strand.—Pet. f. Feb. 18.

MACKAY, WILLIAM, Mayfield-street, Dalston, attorney's clerk, March 5. Off. Ass. Graham; Sol. Peverley, 19, Coleman-street.—Pet. f. Feb. 18.

MICHAU, AUGUSTUS JOSEPH HERVE BIZET, Brighton, of no occupation, March 11. Off. Ass. Cannan; Sol. Copping, 27, Tulsehouse-yard.—Pet. f. Feb. 18.

NICHOLS, CHARLES DANIEL, Hampstead, general agent, March 11. Off. Ass. Cannan; Sol. Lewis, 2, Raymond's-buildings, Gray's-inn.—Pet. f. Feb. 17.

OLLEY, ROBERT, Brownlow-road, Queen's-road, Dalston, stationer, March 5. Off. Ass. Graham; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Feb. 19.

PAYNE, CHARLES, Old Kent-road, general dealer, March 12. Off. Ass. Edwards; Sol. Parsons, 43, Basinghall-street.—Pet. f. Feb. 17.

ROCK, HENRY WILLIAM, Lamb's Conduit-street, Holborn, solicitor's clerk, March 3. Off. Ass. Stansfeld; Sol. Gray, 61, Chancery-lane.—Pet. f. Feb. 17.

ROSENTHAL, HENRICHMAN, Blomfield-street, Finsbury, merchant, March 11. Off. Ass. Cannan; Sol. Murray, 29, Great St. Helena.—Pet. f. Feb. 16.

SABINE, THOMAS, Portland-road, South Norwood, bookseller, March 3. Off. Ass. Stansfeld; Sols. Masterman & Co., 15, Clifford's-inn.—Pet. f. Feb. 16.

SIMONDS, HENRY PARISH, Charles-place, Hertford-road, Kingsland, commercial clerk, March 3. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 16.

THOMPSON, ROBERT, Ironmonger-lane, City, and Wilton-road, Dalston, commission agent, March 2. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 16.

URRY, MARIA, and URRY, THOMAS CHARLES, Leigh-street, Burton-crescent, Euston-road, stampers on mail, March 3. Off. Ass. Stansfeld; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Feb. 16.

WAGHOE, GEORGE, Taubridge Wells, machine-stress dealer, March 2. Off. Ass. Graham; Sol. Ody, 14, Trinity-street, Southwark.—Pet. f. Feb. 16.

WHITE, JOHN, Upper China-mews, Bedford-square, cab driver, March 8. Off. Ass. Graham; Sol. Hill, 46, Basinghall-street.—Pet. f. Feb. 18.

WILKES, SAMUEL, Silver-street, Golden-square, out of business, March 3. Off. Ass. Edwards; Sol. Groul, 1, Scott's-yard, Bush-lane.—Pet. f. Feb. 13.

## To be heard in the Country.

ANDREW, THOMAS, Redcar, Yorkshire, out of business, March 7, Stockton. Off. Ass. Crosby; Sol. Thompson, Stockton.—Pet. f. Feb. 17.

ATKINSON, ROBERT, and ATKINSON, JAMES, Liverpool, timber dealers, March 6, Liverpool. Off. Ass. Morgan.—Adj. Feb. 17.

BAILEY, THOMAS SHARP, Ludley, Worcestershire, miller, March 9, Stourbridge. Off. Ass. Harward; Sol. Stratton, Wolverhampton.—Pet. f. Feb. 13.

BARKES, EDWIN, Birmingham, out of business, March 2, Birmingham. Off. Ass. Guest; Sols. James & Co., Birmingham.—Adj. Jan. 19.

BARR, JOHN, Portsea, Hampshire, first-class assistant engineer in the royal navy, March 2, Portsmouth. Off. Ass. Howard; Sol. Paffard, Portsea.—Pet. f. Feb. 9.

BARTON, JOHN, Bakewell, Derbyshire, butcher, March 7, Sheffield. Off. Ass. Young.—Adj. Feb. 12.

BECKETT, WILLIAM OLIVER, Stockbridge, near Sheffield, draper, March 7, Sheffield. Off. Ass. Young; Sol. Fernell, Sheffield.—Pet. f. Feb. 19.

BELL, WILLIAM, Carlisle, Cumberland, chemist, March 3, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Donald, Carlisle; Hodge & Co., Newcastle-upon-Tyne.—Pet. f. Feb. 6.

BIGGELL, EDWIN STEPHEN, Portsea, Hampshire, assistant to a baker, March 2, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. Feb. 16.

BLAKE, FANNY, Chorlton-upon-Medlock, Manchester, lodging-house keeper, March 7, Salford. Off. Ass. Halton; Sol. Barrow, Manchester.—Pet. f. Feb. 17.

BOTHEBY, RICHARD, Bedale, Yorkshire, watchmaker, March 4, Northallerton. Off. Ass. Jefferson; Sol. Teale, Leyburn.—Pet. f. Feb. 14.

BROOKE, FREDERICK LANGFORD, Ross, Herefordshire, of no business, March 6, Ross. Off. Ass. Collins; Sol. Averil, Hereford.—Pet. f. Jan. 10.

BROWN, JOSIAH, Fenton, Staffordshire, potter, March 7, Stoke-upon-Trent. Off. Ass. Keary; Sol. Litchfield, Newcastle-under-Lyme.—Adj. Feb. 13.

CLARKE, CHARLES KELSY, Gooly, Yorkshire, ironmonger, March 3, Leeds. Off. Ass. Young; Sols. Foster, Birmingham; Bond & Co., Leeds.—Pet. f. Feb. 18.

CLARKE, JOHN, Sheffield, messman to the 8th Regiment of Foot, March 11, Sheffield. Off. Ass. Wake; Sol. Turner, Sheffield.—Pet. f. Feb. 17.

COCKBAIN, WILLIAM, Liverpool, tailor, March 5, Liverpool. Off. Ass. Hime; Sol. Pemberton, Liverpool.—Pet. f. Feb. 18.

COOK, CHARLES, Middlesbrough, Yorkshire, out of business, March 7, Stockton. Off. Ass. Crosby; Sol. Griffin, Middlesbrough.—Pet. f. Feb. 17.

COOK, JAMES, Wigan, Lancashire, dealer in hardware, March 4, Manchester. Off. Ass. Pott; Sol. Wigan.—Pet. f. Feb. 18.

DAVRY, ROBERT, Warwick, innkeeper, March 2, Birmingham. Off. Ass. Whitmore; Sol. Lane, Stratford-on-Avon; Hodgson & Co., Birmingham.—Pet. f. Feb. 16.

FORT, WILLIAM, Liverpool, coal merchant, March 4, Liverpool. Off. Ass. Turner; Sol. Pemberton, Liverpool.—Pet. f. Feb. 17.

FOSTER, JOHN, York, fishmonger, March 9, Leeds. Off. Ass. Carriek; Sol. Schofield, York; Clarke, Leeds.—Pet. f. Feb. 18.

GALLAVANT, JOSEPH, Halstead, Essex, innkeeper, March 3, Halstead. Off. Ass. Harris; Sols. Hustler & Co., Halstead.—Pet. f. Feb. 10.

GODDARD, JAMES, Bristol, licensed victualler, March 6, Bristol. Off. Ass. Harley; Sol. Hill.—Pet. f. Feb. 16.

GOODGER, WILLIAM FREDERICK, Rotherham, Yorkshire, hair dresser, March 11, Rotherham. Off. Ass. Newman; Sols. March & Co., Rotherham.—Pet. f. Feb. 17.

GOWING, JOSEPH, Middlesbrough, Yorkshire, joiner, March 9, Leeds. Off. Ass. Carriek; Sols. Simpson, Yarm; Carlas & Co., Leeds.—Pet. f. Feb. 17.

HARDISTY, JAMES, Birkenhead, Cheshire, shopman to a grocer, March 9, Birkenhead. Off. Ass. Gill; Sol. Bretherton, Liverpool.—Pet. f. Feb. 9.

HARTMAN, EDWARD, Liverpool, provision merchant, March 6, Liverpool. Off. Ass. Morgan.—Adj. Feb. 17.

HAWKER, JOHN, Walford, Herefordshire, small farmer, March 6, Ross. Off. Ass. Collins; Sol. Smallridge, Gloucester.—Pet. f. Nov. 25.

HAYNES, SAMUEL THOMAS, Southam, Warwickshire, miller, March 18, Birmingham. Off. Ass. Whitmore; Sols. Walker, Southam; Hodgson & Co., Birmingham.—Pet. f. Feb. 18.

HEWITT, CHARLES HOLLINGSWORTH, Bilton, Gloucestershire, miller, March 6, Bristol. Off. Ass. Miller; Sol. Brittan, Bristol.—Adj. Feb. 16.

HIGGINS, HIRAM, Upton Grey, Southampton, grocer's assistant, March 2, Basingstoke. Off. Ass. Lamb; Sol. Chandler, Basingstoke.—Pet. f. Feb. 14.

HIGHAM, JOHN, Ashton-under-Lyne, Lancashire, cabinet maker, March 5, Ashton-under-Lyne. Off. Ass. Worthington; Sol. Toy, Ashton-under-Lyne.—Pet. f. Feb. 19.

HOCKER, WILLIAM, Portsmouth, licensed victualler, March 2, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. Feb. 16.

HUNT, HENRY JOSEPH, Blandford Forum, Dorsetshire, out of business, March 5, Blandford. Off. Ass. Johns; Sol. Moore, Wimbore.—Pet. f. Feb. 18.

JESSOP, PETER, Bristol, Yorkshire, coal leader, March 20, Dewsbury. Off. Ass. Nelson; Sols. Terry & Co., Bradford.—Pet. f. Feb. 13.

JONES, CHARLES, Knighton, Radnorshire, out of business, March 16, Knighton. Off. Ass. Peters; Sol. Stephens, Prestatyn.—Pet. f. Feb. 18.

[For continuation of Gazette, see p. 75.]

## CONTENTS.

London Gazette	70
Leading Article	71
Correspondence	72
General Order	73
Imperial Parliament	73

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

The Beacon Fire and Life Insurance Company v. Gibb and Others.—( <i>Marine insurance—Form of policy—House policy—Conditions—Applicability—Construction</i> )	185
--	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Gilbert v. Lewis.—( <i>Married woman—Limitation of separate estate—"Sole use and benefit"—Pleading—Demurrer to part of bill—Suit against bankrupt—Fraud—Solicitor</i> )	187
---	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Laver v. Fielder.—( <i>Husband and wife—Agreement by father of wife, before marriage—Parties—Laches</i> )	190
Sarazin v. Hamel.—( <i>Designs Copyright Acts—Infringement—Publication—5 &amp; 6 Vict. c. 100, and 24 &amp; 25 Vict. c. 73</i> )	192

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

Towsey v. Groves.—( <i>Practice—Next friend</i> )	194
Wright v. Wilkin.—( <i>Practice—Answer—Schedule</i> )	195

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister-at-Law.

Shepard v. Brown and Others.—( <i>Commission on sale of goods—Bill for discovery and account—Concurrent jurisdiction at law and in equity—Demurrer overruled</i> )	195
Parker and Others v. Nickson and Others.—( <i>Demurrer—Pleading</i> )	196

## EXCHEQUER CHAMBER.

By H. HOLROYD, Barrister at Law.

The Great Indian Peninsular Railway Company v. Saunders.—( <i>Policy of insurance—Particular average—Expense of forwarding goods</i> )	198
--	-----

## COURT OF QUEEN'S BENCH.

By H. HOLROYD, Barrister at Law.

Turner v. Barnes.—( <i>Landlord and tenant—Distress—Tenancy at will—8 Ann. c. 14, ss. 6, 7</i> )	199
--	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Bartlett v. Lewis.—( <i>Interrogatories—Practice under sect. 51 of the Common-law Procedure Act, 1854</i> )	202
---	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Hall v. Lund.—( <i>Grant by implication—Easement—Bleach works—Nuisance</i> )	205
Gibbins v. Buckland.—( <i>Common-law Procedure Act, 1852—Ejectment—Writ of possession—Estoppel</i> )	207

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. E. BROWNING, Barrister at Law.

Witt v. Witt and Klindworth.—( <i>Evidence—Statements of patient to medical man</i> )	207
Haviland v. Haviland.—( <i>Alimony pendente lite—Grant out of voluntary allowance</i> )	208

## COURT OF ADMIRALTY.

By W. E. BROWNING, Barrister at Law.

The Leda.—( <i>Practice—18 &amp; 19 Vict. c. 90—No costs against the Crown—Costs against co-plaintiffs</i> )	208
--	-----

## COURT OF PROBATE.

By DR. MIDDLETON.

Cunliffe and Ormerod v. Cross.—( <i>Testamentary suit—Pleading—Ignorance of contents of a codicil</i> )	210
---	-----

## CONSISTORY COURT OF ROCHESTER.

By DR. MIDDLETON.

Battiscombe v. Eve.—( <i>Church rebuilt, not consecrated—Seats—Jurisdiction</i> )	210
---	-----

## CROWN CASES RESERVED.

By G. FRANCIS, Barrister at Law.

Reg. v. Louisa Isaacs.—( <i>Procuring abortion—24 &amp; 25 Vict. c. 100, s. 58</i> )	212
--	-----

## THE JURIST.

LONDON, FEBRUARY 28, 1863.

WE are sorry to be compelled to notice further disgraceful proceedings at the Middlesex Sessions. The following is the report as given in the daily papers:—

"On George Gerkin and Charles Curtis being placed at the bar, charged with stealing two bedsteads, the property of Rosa Kemper, the mistress of Gerkin,

"Mr. Metcalfe, who appeared for one of the prisoners, challenged the whole of the jury in the box, and they quitted it, but as one jury was locked up, and another was on duty in the court before Mr. Bodkin, the panel was exhausted, and another jury could not be obtained.

"Mr. Payne said, if the learned counsel persisted in this course, the case could not be tried that day.

"Mr. Metcalfe.—I do not choose to have the case tried before a judge who not only sums up the evidence, but tells the jury what verdict they are to find.

"Mr. Henry Charles Hanson (foreman of the jury).—I can assure your lordship that we were not influenced at all by your summing up, but we acted upon our own conviction.

"Mr. Metcalfe.—I want to have the case tried before a proper judge, and one who understands his business.

"Mr. Payne.—I have tried thousands of cases, and I have endeavoured to do justice.

"Mr. Metcalfe.—I have a right to challenge the jury. I object to this case being tried by the same jury as tried the other cases. Let it be tried in the other court.

"Mr. Payne.—That is not a proper ground for your objection.

"Mr. Metcalfe.—As I cannot object to the judge, I object to the jury. If it is to be tried before you, I shall continue to object.

"Mr. Payne.—This is an attempt at insubordination. I have tried cases for many years, and I am not going to be put down now. My only object is, and ever has been, public justice.

"Mr. Metcalfe.—That is my object, but that is not administered here, and that is the opinion of every member of the bar.

"Mr. Payne.—As you have prevented the case from being heard now, it must stand for Tuesday next.

"Mr. Metcalfe.—I cannot come then, and after what has occurred I shall make a special application to have the case tried in the other court.

"Mr. Payne.—I have no wish to try the case, but I will not allow myself to be treated in such a manner.

"Mr. Metcalfe.—There may yet be time to try the case in the other court.

"Mr. Payne.—I say again I am not anxious to try the case, and if you can induce the assistant judge to try it, of course I can have no objection. I have no feeling whatever in the matter.

"The matter here terminated, and as there were several other cases to be disposed of, the jury re-entered the box, and the business proceeded without further interruption. The two prisoners, who gave rise to this personal altercation, stand for trial on Tuesday next."

On the following day Mr. Payne reverted to the subject thus. Addressing the jury, he said—"Before I discharge you, I think I ought to allude to one case which it was originally intended should have been tried to-day, but it was thought better that it should be postponed until next week, when a fresh session will commence. I refer to the case in which a learned counsel made some extraordinary observations with respect to myself. There are one or two remarks which I think I ought to make. I have been found fault with for not using strong measures with the learned counsel at the time. I will tell you why I did not. Very early in my professional life I remember the eminent and excellent judge, Sir James Allan Parke, was treated by a learned serjeant in a similar manner to that in which I was treated by the learned counsel. He at first was inclined to commit him for contempt of court; but, on reflection, he altered his opinion, and used these remarkable words, which I have never forgotten, and upon which I acted in dealing with the learned counsel:—'I trust that I shall ever be able to display the forbearance of a Christian judge.' But, by the advice of the assistant judge and other magistrates, I have inclosed the extracts from the newspapers to the Treasurer of the Inner Temple, and called his attention and that of the Benchers to the conduct of the learned counsel. I have only further to say, lest the public should suppose me to be the incompetent person which the learned counsel alleges that I am, that during the five years which I have sat on this bench the number of prisoners tried before me amounts within a fraction to 2500; and after a careful reflection, I am satisfied in my own mind, that among that large number not a single innocent person has been convicted, or a single guilty one received too severe a sentence. Points of law which I have decided have been confirmed by the judges in the Court of Criminal Appeal; and I have also the satisfaction of knowing that not one of my sentences has in any way been interfered with by the Secretary of State."

That the conduct of Mr. Metcalfe in this affair was insubordinate, and a contempt of the tribunal before which he was practising, there can be no doubt; and, indeed, there may be a question whether it was not illegal also. It is only as representing the accused that counsel has any right of challenging the jury—a right which is given for his protection of the accused against unfit or prejudiced persons finding their way into the jury box. But when he or his counsel states openly that he challenges the jury, not from lack of confidence in them, but because he intends by that means to do indirectly what the law forbids his doing directly, namely, challenge the judge, it may be that the Court would be justified in disallowing such a challenge. This question has never, so far as we are aware, been raised.

The foregoing remarks apply, whether the imputations cast by Mr. Metcalfe on the judge, that he was in the habit of dictating to juries what verdict they

were to find, that he was not a proper judge, and did not understand his business, and that public justice was not administered in his court, were or were not founded in fact—a matter on which we do not venture to express any opinion. Suppose they were, that would not justify the conduct of Mr. Metcalfe; but if they were not, then was that conduct bad indeed.

The speech, however, made by Mr. Payne on the following day, when all passion had had time to cool, was, to say the least of it, very injudicious, and open to grave observation. A counsel commits a contempt of Mr. Payne's court by insulting the judge. Mr. Payne declines to uphold his own authority by punishing the offender, because, he says, "the forbearance of a Christian judge" prevents him. But according to Mr. Payne's notions of things, although to punish, by fine or committal, a counsel who is guilty of a contempt of court, is inconsistent with that forbearance, the making a formal complaint of his conduct to the Benchers of the Inn of Court to which he belongs, is not. Being indifferent theologians, we are unable to comprehend the distinction. Mr. Payne then concludes with a public laudation of himself—a dangerous experiment at any time, but which, if a man is determined on making, he should, at least, be careful not to outstep the bounds of probability. When Mr. Payne assures us, that during the five years he has sat on the bench, in which period he tried 2500 prisoners, "not a single innocent person has been convicted, or a single guilty one received too severe a sentence, and that not one of his sentences has in any way been interfered with by the Secretary of State," he severely taxes our credulity. Until we read his remarks, we did not believe that any judge in the land—not even the most able and upright of them all—could, with truth, make the sweeping assertion, that justice had *never* failed in his hands, or that in this age, when interference with the decisions of judges and the verdicts of juries is the besetting sin of our rulers, not one of his sentences had ever been disturbed. If, however, such is the case with Mr. Payne, and we do not presume to deny it, nothing remains for us but to congratulate him on his singular ability, uprightness, and good fortune.

### Correspondence.

#### ROLFE v. PERRY.

TO THE EDITOR OF "THE JURIST."

SIR,—In this case (heard before Vice-Chancellor Wood on the 16th instant, and not yet reported, except in the daily journals) a rather singular question arose, and, as I venture to submit, a rather singular conclusion was arrived at by the able judge who decided it.

The question was, whether a wife, divorced *à mensâ et thoro* for adultery many years before her husband's death, and not subsequently reconciled to him, was entitled, under the Statute of Distributions, to share in his personal estate, which became undisposed of on the death of the residuary legatee.

It was argued, on the part of the next of kin, that she was not so entitled. The argument was rested on the authority of *Pettifer v. James* (Bunb. 16), where a bill, preferred by a widow who had been so divorced, for her moiety and widow's chamber, according to the customs of the city of London, was dismissed, the Court holding (without reference, so far as appears by the report, to any peculiarity under the customs of the city) that her right to distribution was forfeited; also on the authority of *Shute v. Shute* (Pre. Ch. 111), where administration having been granted by another party, the Master of the Rolls (Sir J. Trevor) dis-



missed a bill by a widow, who had been so divorced, for a share of the intestate's personal estate; and on the authority of an *Anonymous case* (9 Mod. 44), where, though in the first instance the Court refused to recognise any alteration in the status of husband and wife as resulting from such a divorce, it ultimately granted an interlocutory injunction to restrain a husband, who had been so divorced, from selling a term of years which he had acquired by his marriage. Cases were also cited in which the Court has refused to make a settlement, even of her own fund, on a wife who has committed adultery, either during the life or after the death of her paramour. (*Ball v. Montgomery*, 2 Ves. jun. 191; *Curr v. Eastbrook*, 4 Ves. 146). It was also further argued, on principle, that, looking to the object of the Statutes of Distributions, which was to prevent the administrator from excluding those who had equal or greater rights than himself for his own personal benefit (see *Petit v. Smith*, 1 P. Wms. 8, per Holt, C. J.)—to the rule in the ecclesiastical court, which, recognising, as it does, the prior claim of the wife in ordinary cases to administration, yet excludes her in cases of divorce for adultery—and to the statute law of the 13 Edw. 1, c. 34, tersely and metrically rendered by Lord Coke in the well-known Latin hexameters:—

"Sponte virum mulier fugiens, et adultera facta  
Dote sua caret, nisi sponsi sponte retracta;"

and to the terms of the bond embodied in the statute itself—the Statute of Distributions should not be construed to give an adulterous and divorced wife a claim to a share in an intestate's estate.

The learned Vice-Chancellor expressed his surprise that such a case should be now open to argument, and inquired of the counsel who appeared for the wife whether there were not any authorities on the other side. None other were cited; but the Vice-Chancellor ultimately, without further calling on counsel for the wife, gave judgment in her favour, resting such judgment, however, entirely on the frame of the suit, which was one instituted by a trustee for his guidance and protection, making the widow a defendant, and he appeared to intimate that the result would have been different if the widow had herself been plaintiff. The learned judge observed, that the authorities cited went no higher than this—that this Court would not assist a widow, divorced à mens et thoro for adultery, in asserting her claim to a share of her husband's personal estate. The statute provided for a certain course of distribution where there was "no wife;" he could not say there was no wife where there had been no divorce à vinculo; it could not be denied, that after a divorce for adultery she was still a wife; and as this was a case in which the wife did not as plaintiff seek the assistance of the Court, but the bill was filed by the trustee of the testator, he must declare that the widow of the testator was entitled to her distributive share.

With sincere deference to a very able judge, I venture to contend, that this judgment is unsatisfactory. If the authorities cited are not law, let them be overruled (though I may remark, that so far as regards the customs of the city of London, and the right to administration generally, the case of *Pettifer v. James* is treated as an authority by Williams, J.); but can it be right that the result should depend on the mere circumstance of the widow appearing as plaintiff or defendant on the record? The Vice-Chancellor has now declared that she is entitled. Suppose the trustee, in consequence of this decision, pays the money into court, could the widow obtain it on petition, and are her rights and those of the next of kin dependent on his discretion?

The case of *Rolfe v. Perry* is, at the suggestion of

the judge himself, to go before the Court of Appeal on another and entirely distinct point relating to the applicability of Mr. Locke King's Act, with a view of settling the conflict of opinion between Vice-Chancellor Wood, in the case of *Mellish v. Vallins* (2 Johns. & H. 194), and the Master of the Rolls, in the case of *Moore v. Moore* (10 Weekly Rep. 877), and it would, I think, be desirable if the other point could be submitted to the Court of Appeal at the same time; but I am not aware that there is any present prospect of this being done.

I remain your obedient servant,  
9, New-square, Lincoln's-inn, J. R.  
Feb. 11, 1863.

### ORDER OF COURT.

Thursday, the 12th February, 1863.

WHEREAS by reason of the growing increase of the business of this Court, the number of certificates and documents of the like nature requiring the signature of the Accountant-General has become so great as inconveniently to interfere with his discharge of other and indispensable duties; now, therefore, upon reading an act of Parliament passed in the twelfth year of the reign of his Majesty King George the First, intituled "An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds, and Indorsements thereon, as likewise Indorsements on South Sea Bonds," I do order that all certificates of funds in court, and of transactions that have been recorded in the books of the Accountant-General, that is to say, payment of cash into court, sales, purchases, transfers, and acceptances of stock, and carryings over of funds from one account to another, shall be signed by the chief clerk of the Accountant-General for the time being, in his own name, as for and on behalf of the said Accountant-General.

WESTBURY, C.

### Imperial Parliament.

HOUSE OF COMMONS.—Friday, Feb. 13.

ARRANGEMENT OF LEGAL BUSINESS—CIRCUIT REGULATION COMMISSION.

Mr. A. Mills asked the Secretary of State for the Home Department whether it was the intention of her Majesty's Government to take any steps in pursuance of the recommendations of the Circuit Regulation Commission, or in any way to alter the existing divisions of the judges' circuits.

Sir G. Grey said it had been deemed expedient that a change should be made with respect to the Northern Circuit, owing to the great amount of business connected with it, and that measures had been taken with a view to a division of the labour. The details of the arrangement were under the consideration of the Lord Chancellor, who was in communication with the judges on the subject.

Thursday, Feb. 19.

Mr. M'Mahon asked the Attorney-General whether her Majesty's Government proposed to bring in, and, if so, when, a measure for re-arranging any other circuit beside the northern, and for holding an assize for civil business in other counties besides Lancashire, and for removing the inconvenience of accumulating country causes for trial in London and Middlesex, and for so arranging the town sittings as not to interfere with circuits.

The Attorney-General replied, that the state of the Northern Circuit was under the consideration of her Majesty's Government, with a view to effect such re-arrangement as might seem to be expedient. But whether a measure on the subject would or would not be introduced to Parliament depended on the nature of the proposed change, for, as his hon. and learned friend knew well, the powers

capable of being exercised by an Order in Council, without the intervention of Parliament, were very extensive. There was no present intention of holding a third assize for civil business in any county where one was not already held; and there was no such measures in contemplation as were referred to in the last part of the hon member's question.

*Tuesday, Feb. 24.*

#### BENCHERS' JURISDICTION AND AUTHORITY BILL.

In answer to Mr. Roebuck,

Sir G. Bowyer said it was arranged that the second reading of this bill was to be fixed, after consultation with the Solicitor-General, for some day most convenient to the Benchers. He should not, therefore, press the second reading at present.

#### CRIMES OF VIOLENCE.

Mr. Adderley rose to ask permission of the House to introduce a bill for providing for the further security of the persons of her Majesty's subjects from violence. The bill was a very short one, but he thought it would be effectual. The punishment provided by the existing act of 1861 for the crime of robbery and violence was penal servitude for three years and upwards, or solitary imprisonment with hard labour not exceeding two years. He proposed to make the same addition to that punishment for robbery with violence which was made by the act of 1841 to the punishment for attacks upon the Queen, and by the act of 1845 to the punishment for malicious injury of works of art—namely, corporal punishment. He did so for the same reasons, with the same object, and he was convinced with the same result, which attached to those two acts. It seemed to him that in the long and dreary vista of broken-down penal enactments those two acts stood out in striking contrast of complete success. He made this proposition in no retrograde spirit, but following precedent, proof from experience, and, he must say, the dictates of common sense. In the consolidation of the Felony and Larceny Act of 1861, corporal punishment of adults was deliberately retained in two cases, which he held belonged to the same category as robbery with violence. He attached no weight whatever to the opinion of those who opposed corporal punishment as a degrading punishment. These men argued from their own innocence to the feelings of degraded humanity. The question was not whether corporal punishment was applicable to men of honour, but to the correction of men of degraded feelings. According to the philosophy of punishment, to be effectual it must be addressed to the motives of the punished; and if there were those who would only be deterred from crime by fear of pain, it was surely far better to visit the crime with the punishment which would put a stop to its commission, rather than, by inefficient infliction, leading to the perpetual repetition of the crime and the punishment. He in no way trenchoned on the ground fenced off for the Royal Commission, instituted for inquiring into the operation of the acts on penal servitude and transportation, and the manner in which they had, or rather had not, been carried out. Even if the House was content to lay an embargo on its action, and obstruct public opinion, which was ready to act in this matter upon recent experience, the Minister could scarcely plead such an excuse who had dealt with the question himself, and made considerable alterations by circulars from his own department. He proposed not in any way to affect the operation of the two acts to which he alluded, but simply to make an addition, or he would say to supply an omission in them—namely, to add another crime to the same category. He had not only the great success of those acts to adduce in favour of his proposition, but wherever corporal punishment had been tried and was still in use, they found it had precisely the same results. He might quote the high opinion of the Duke of Wellington as to the efficiency of corporal punishments in the army; for when he gave evidence against the excessive use of that punishment, he guarded himself against being supposed in favour of its abolition. Not only for deterrence, but as an exemplary punishment in certain cases, it was absolutely necessary. As to the use of this punishment in prison for purposes of internal discipline, he could adduce the high authority of the governor of the county gaol at Stafford, who stated, that in thirteen years' experience, having had every species of ruffian under his care, however inefficient other punishments might have been, he could say, with regard to corporal punishments alone, that

he never on any occasion had to repeat it a second time. He did not think public opinion in this country would be content, especially in our present extremity for efficient secondary punishments, to throw away one so effectual as this; and if it had been successful in protecting her Majesty from violence, and works of art from malicious injury, would they be acting like sensible men, if, from any feeling of unscrupulousness, based, he believed, on a perfectly false philosophy, they allowed themselves to be exposed to the most rampant violence when such an effectual remedy lay idle in their hands? He begged to move for leave to bring in the bill.

Sir G. Grey would not offer any objection to the bringing in of this bill, but must guard himself against being supposed to assent to its principle. The right hon. gentleman had not explained the manner in which he proposed to effect his proposed alteration of the law. Only a very few years ago, a select committee recommended, and the House deliberately adopted the proposition, that the punishment of flogging should be abolished in respect to offences to which it formerly attached by law, with the exception of two or three cases. The House would, therefore, have to carefully consider the grounds on which it was asked to retrace its steps. He did not collect from the right hon. gentleman's speech, whether he intended to make the infliction of corporal punishment imperative, or to rest it upon the discretion of the judge. In the latter case he would do well to remember, that there was a great difficulty when that species of punishment existed two years ago, in regard to certain offences, in getting juries to convict. When a particular judge was known to be in the habit of exercising such a discretionary power, the jury was found to be very reluctant to find the accused guilty, and so prisoners often escaped. The judges, therefore, very rarely sentenced prisoners to corporal punishment; and past experience shewed, that if they were again to be intrusted with the power of doing so, they would rarely exercise it. This bill might thus alter the theory of the law, without producing much effect on its practice. On the other hand, if the infliction of flogging was to be imperative, the right hon. gentleman had not stated whether he meant it to be a cumulative punishment, to go in all cases in addition to imprisonment and penal servitude, or in substitution for them. Again: a prisoner's health, constitution, age, or other circumstances might make it inexpedient to flog him, though he had committed an offence to which that punishment might attach. Nor had the right hon. gentleman very accurately defined the crimes to which he desired to affix this punishment. He had spoken of offences attended with violence, but it was not very clear whether he meant to include burglaries by night which involved a species of violence. Moreover, if flogging was so effectual that judges were to be compelled to inflict it, where was the line to be drawn? Was one man who knocked down another to rob him of his watch to be subject to this punishment, while another, who knocked down a woman to rob her of her virtue, was to be exempt from it? In the army and navy flogging might be necessary in certain cases; and in gaols, when violent outbreaks suddenly occurred, he believed it was the only effectual mode of suppressing insubordination; but it was quite a different thing to say that it should be inflicted on men who were to be tried by a jury of their countrymen. He would not, however, oppose the introduction of this bill, and he should be glad to hear fuller explanations from the hon. gentleman at a subsequent stage.

The motion was then agreed to.

#### REMUNERATION OF JURIES.

Mr. Ayrton moved for leave to bring in a bill entitling jurymen in the metropolis to receive an allowance of 7s. each for their services whenever they are summoned to try a case which does not originate in the county in which they reside.

The Solicitor-General, on behalf of the Attorney-General, who was absent, did not oppose the introduction of the bill, but withheld his assent to its principle.

The motion was then agreed to.

#### WRITS' PROHIBITION.

Mr. Bowyer, in moving for leave to bring in a bill providing that without the leave of a judge no writ should be issued for actions of debt in the superior courts for sums of less than 20l., explained that the object of the measure was to remedy a grievance caused by the issue of writs from

the superior courts, in numerous cases which never came to trial, and where the amount of debt sought to be recovered was not more than 2*l.* or 3*l.*, or less than the costs incurred.

The *Solicitor-General* said that this was undoubtedly a subject which was well worthy of consideration, and he should not oppose the second reading of the bill.

Leave was given.

### THE ROAD MURDER AND THE ROUPELL CASES.—

There are rumours abroad, but in a shape so misty that we forbear to comment on them, that the Road murder case is likely to be again brought forward, and also that evidence has been discovered falsifying the extraordinary confessions made by the convict Roupell.

**COUNTY COURT JUDGES.**—Sir Walter Riddell has been appointed a County Court Judge of Whitechapel (circuit No. 39), vice Mr. Serjeant Manning, resigned. Mr. W. Spooner has been appointed Judge of the County Court of Staffordshire (circuit No. 26), in the room of Sir Walter Riddell. Mr. E. J. Lloyd, Q. C., has been appointed Judge of the County Court of Bristol (circuit No. 54), vice W. N. Willes, deceased.

**JONES, EMANUEL LEVY**, Kingston-upon-Hull, dentist, March 4, Hull. *Off. Ass. Phillips*; *Sols. Spurr & Co., Hull.*—*Pet. f. Feb. 18.*

**JONES, JOSEPH**, Salford, Lancashire, provision dealer, March 7, Salford. *Off. Ass. Hulton*; *Sol. Hewitt, Manchester.*—*Pet. f. Feb. 18.*

**JONES, JOHN**, Nottingham, smallware dealer, April 1, Nottingham. *Off. Ass. Patchitt*; *Sol. Briggs, Nottingham.*—*Pet. f. Feb. 18.*

**KIDDELL, JAMES**, Exeter, miller, March 2, Tiverton. *Off. Ass. Daw.*—*Pet. f. Feb. 10.*

**LAKE, THOMAS**, Manchester, warehouseman, March 2, Manchester. *Off. Ass. Fraser*; *Sol. Booth, Manchester.*—*Pet. f. Feb. 18.*

**LOBLEY, HARRIETT**, Carverley, Yorkshire, tallow chandler, March 9, Leeds. *Off. Ass. Carrick*; *Sols. Mossman, Bradford*; *Cariss & Co., Leeds.*—*Pet. f. Feb. 12.*

**MENNIGER, THOMAS**, Colehill, Warwickshire, miller, March 6, Birmingham. *Off. Ass. Kinner.*—*Adj. Feb. 17.*

**MILNER, JOHN**, Whitwell, Derbyshire, farmer, March 7, Sheffield. *Off. Ass. Young*; *Sol. Broadbent, Sheffield.*—*Pet. f. Feb. 17.*

**MULLIGAN, MARGARET**, Banbury, Oxfordshire, milliner, March 5, Banbury. *Off. Ass. Fortescue*; *Sol. Pellatt, Banbury.*—*Pet. f. Feb. 17.*

**MYATT, JOHN**, Newbury, Staffordshire, out of business, March 4, Newport. *Off. Ass. Liddle*; *Sol. Smallwood, Newport.*—*Pet. f. Feb. 18.*

**NEWTON, DAVID**, Leeds, manufacturer, March 5, Leeds. *Off. Ass. Young*; *Sols. Bond & Co., and Pullan, Leeds.*—*Pet. f. Feb. 18.*

**NEALE, GEORGE**, St. Leonard's-on-Sea, Sussex, blacksmith, Feb. 25, Lewes. *Off. Ass. Blaker*; *Sol. Goodman, Brighton.*—*Pet. f. Jan. 23.*

**OLLIVER, WILLIAM**, St. Cleer, Cornwall, carpenter, Feb. 25, Liskeard. *Off. Ass. Childs*; *Sol. Cook, Liskeard.*—*Pet. f. Feb. 9.*

**PARKIN, THOMAS**, Newport, Monmouthshire, butcher, March 6, Bristol. *Off. Ass. Acreman*; *Sol. Brittan, Bristol.*—*Adj. Feb. 17.*

**PARR, RICHARD**, Cardiff, Glamorganshire, labourer, March 3, Cardiff. *Off. Ass. Langley*; *Sol. Gooders, Cardiff.*—*Pet. f. Feb. 18.*

**POLETT, JOHN**, Swansea, licensed victualler, March 6, Bristol. *Off. Ass. Actman*; *Sol. Brittan, Bristol.*—*Pet. f. Feb. 12.*

**POTTS, WILLIAM**, Lowther, Westmoreland, farmer, March 4, Newcastle-upon-Tyne. *Off. Ass. Baker*; *Sols. Arnston, Penrith*; *Ingledew & Co., Newcastle-upon-Tyne.*—*Pet. f. Feb. 18.*

**PURE, WILLIAM WATTS**, Stowmarket, Suffolk, ironmonger, March 4, Stowmarket. *Off. Ass. Ararher*; *Sols. Gudgeon & Co., Stowmarket.*—*Pet. f. Jan. 20.*

**REYNOLDS, THOMAS**, Aylsham, Norfolk, timber dealer, March 3, Aylsham. *Off. Ass. Scott*; *Sol. Chittock, Norwich.*—*Pet. f. Feb. 18.*

**RIZ, CHARLES**, Golestad, Essex, baker, March 7, Braintree. *Off. Ass. Cunningham*; *Sol. Cardinali, Halesoad.*—*Pet. f. Feb. 4.*

**ROWLEY, JOHN**, Deaby, Derbyshire, tanner, March 3, Belper. *Off. Ass. Ingley*; *Sol. Goodger, Burton-upon-Trent.*—*Pet. f. Feb. 12.*

**SCHOLFIELD, AMOS**, Halifax, Yorkshire, builder, March 9, Leeds. *Off. Ass. Carrick*; *Sols. Floyd & Co., Huddersfield*; *Bond & Co., Leeds.*—*Pet. f. Feb. 14.*

**SHAW, JOHN**, Hindley, Lancashire, out of business, March 3, Manchester. *Off. Ass. Hernaman*; *Sol. Ambler, Manchester.*—*Pet. f. Feb. 16.*

**SIMPSON, ALEXANDER**, and **BLUNDELL, WILLIAM HENRY**, Birmingham and Kidderminster, farinaceous food manufacturers, March 2, Birmingham. *Off. Ass. Whitmore*; *Sols. Cook, Stourport*; *Hodgson & Co., Birmingham.*—*Pet. f. Feb. 9.*

**SLOOMER, RICHARD**, Swansea, Glamorganshire, farmer, March 4, Swansea. *Off. Ass. Morris*; *Sol. Cuthbertson, Neath.*—*Pet. f. Feb. 16.*

**SMITH, CHARLES**, and **PEACE, WALTER**, Selby, Yorkshire, seed crushers, March 5, Leeds. *Off. Ass. Young*; *Sols. Bond & Co., Leeds.*—*Pet. f. Feb. 14.*

**SMITH, JAMES**, Fallowthorpe, near Manchester, joiner, March 4, Manchester. *Off. Ass. Fraser*; *Sols. Cobbett & Co., Manchester.*—*Pet. f. Feb. 16.*

**STINKING, JOHN ARCHIBALD**, Kingston-upon-Hull, basket maker, March 4, Hull. *Off. Ass. Phillips*; *Sols. Eaton & Co., Hull.*—*Pet. f. Feb. 17.*

**STYTON, JOHN**, Birmingham, grocer, March 6, Birmingham. *Off. Ass. Kinner*; *Sol. Walter, Birmingham.*—*Pet. f. Feb. 18.*

**SYDNEY, GILBERT**, Liskeard, Cornwall, plumber, Feb. 25, Liskeard. *Off. Ass. Childs*; *Sol. Hingston.*—*Pet. f. Feb. 9.*

**TREVASKISS, JOHN**, and **KERSHAW, PETER**, Liverpool, provision dealers, March 6, Liverpool. *Off. Ass. Turner.*—*Adj. Feb. 17.*

**TUNSTALL, GEORGE**, Bolton, Lancashire, shopkeeper, March 7, Bolton. *Off. Ass. Holden*; *Sol. Edge, Bolton.*—*Pet. f. Feb. 18.*

**WALTERS, ARTHUR**, Swansea, Glamorganshire, general merchant, March 6, Bristol. *Off. Ass. Miller*; *Sol. Brittan, Bristol.*—*Adj. Feb. 13.*

**WARDLE, THOMAS HENRY**, Blaydon, Durham, bootmaker, March 7, Gateshead. *Off. Ass. Ingledew*; *Sol. Joel, Newcastle-upon-Tyne.*—*Pet. f. Feb. 18.*

**WILLIAMS, JAMES**, East Dean, Gloucestershire, blacksmith, March 7, Newnham. *Off. Ass. Mason*; *Sols. Borlase & Co., Mitcheldean.*—*Pet. f. Feb. 16.*

**WINTSTANLEY, JAMES**, Ashton-under-Lyne, Lancashire, cotton-waste dealer, March 5, Ashton-under-Lyne. *Off. Ass. Worthington*; *Sol. Swann, Manchester.*—*Pet. f. Feb. 19.*

### BANKRUPTCIES ANNULLED.

**JENNINGS, JOHN**, Charles-street, Hackney-road, shoe manufacturer.  
**PAGE, RICHARD**, Keynsham, Somersetshire, solicitor.  
**WILSON, JOHN**, Sunderland, shoemaker.

### PARTNERSHIP DISSOLVED.

**FLIGHT, EDWARD GILL**, and **LOGGIN, NICHOLAS MARSHALL**, Bridport, Dorsetshire, attorneys, solicitors, and scriveners.

TUESDAY, Feb. 24.

### BANKRUPTS.

To be heard in London.

**BARNES, GEORGE**, Chatham, lime burner, March 12. *Off. Ass. Graham*; *Sols. Sandys & Co., 5, Gray's-inn-square*; *Hayward, Rochester.*—*Pet. f. Feb. 17.*

**BURMAN, JAMES**, Warner-road, Camberwell, grocer, March 11. *Off. Ass. Stansfield*; *Sol. Bradley, 13, Berners-street.*—*Pet. f. Feb. 20.*

**CHECKLEY, JOHN**, Essex-street, Islington, commission agent, March 12. *Off. Ass. Graham*; *Sol. Neal, Finer's-hall, Old Broad-street.*—*Pet. f. Feb. 19.*

**CRITCHERDEN, WILLIAM HENRY**, Brighton, March 11. *Off. Ass. Stansfield*; *Sol. Aldridge, 46, Moorgate-street.*—*Adj. Jan. 19.*

**COCK, JOHN**, Skinner's-place, Lendenhall-bank, butcher, March 11. *Off. Ass. Stansfield*; *Sol. Hill, 43, Basinghall-street.*—*Pet. f. Feb. 20.*

**DAVIS, HENRY ARTHUR**, Albert-terrace, London-road, out of business, March 11. *Off. Ass. Cannan*; *Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Feb. 20.*

**DEACON, JOHN**, William-street, Kennington, house agent, March 11. *Off. Ass. Cannan*; *Sol. Wetherfield, 35, Moorgate-street.*—*Pet. f. Feb. 19.*

**DENISELOW, THOMAS**, Queen-street, Brompton, coach maker, March 11. *Off. Ass. Stansfield*; *Sol. Orchard, 5, John-street, Bedford-row.*—*Pet. f. Feb. 20.*

**ELKINS, JOHN**, Botesdale, Suffolk, farmer, March 11. *Off. Ass. Cannan*; *Sols. Lawrence & Co., 14, Old Jewry-chambers.*—*Pet. f. Feb. 20.*

**KUDERS, JOHN**, Providence-row, Finsbury, tailor, March 11. *Off. Ass. Cannan*; *Sol. Peverley, 19, Coleman-street.*—*Pet. f. Feb. 20.*

**GARDNER, CHARLES WARREN**, East-street, Manchester-square, Marylebone, confectioner, March 19. *Off. Ass. Edwards*; *Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Feb. 20.*

**GIFFORD, HORACE JOHN**, Argyle-street, Regent-street, clerk in the Accountant-General's Office of the Court of Chancery, March 12. *Off. Ass. Edwards*; *Sols. Wood & Co., Falcon-street.*—*Pet. f. Feb. 19.*

**MAISEY, THOMAS**, St. George's-terrace, Kilburn, chessmonger, March 11. *Off. Ass. Cannan*; *Sol. Jiles, 61, Lincoln's-inn-fields.*—*Pet. f. Feb. 20.*

**MARSH, WILLIAM**, The Terrace, Kensington, upholsterer, March 11. *Off. Ass. Cannan*; *Sols. Keighley & Co., 73, Basinghall-street.*—*Pet. f. Feb. 19.*

**MATHE, EDWARD RATHER DAWSON**, of her Majesty's ship *Flegard*, Woolwich, Kent, acting second master, March 11. *Off. Ass. Cannan*; *Sol. Aldridge, 46, Moorgate-street.*—*Adj. Feb. 19.*

**MILLER, JOSEPH**, Junction-road, Upper Holloway, foreman to a fishmonger, March 17. *Off. Ass. Stansfield*; *Sols. Gold & Co., 2, Whitefriars-street.*—*Pet. f. Feb. 19.*

**MUNY, MARTIN**, Regent-street, laceman, March 12. *Off. Ass. Graham*; *Sol. Reed, 3, Gresham-street.*—*Pet. f. Feb. 13.*

**PARRISH, GEORGE EDWARD**, Victoria-terrace, Southampton-street, Camberwell, commercial clerk, March 9. *Off. Ass. Stansfield*; *Sols. Keighley & Co., 73, Basinghall-street.*—*Pet. f. Feb. 23.*

**PHILLIPS, THOMAS**, Eligh-cottages, Samuel-street, St. George's-in-the-East, carman, March 11. *Off. Ass. Cannan*; *Sol. Jukes, 19, Basinghall-street.*—*Pet. f. Feb. 20.*

**ROBINS, JAMES**, and **PRIEST, FREDERICK**, Upper St. Martin's-lane, auctioneers, March 11. *Off. Ass. Cannan*; *Sols. Johnson & Co., 55, Chancery-lane.*—*Pet. f. Feb. 21.*

**RUSSELL, JOHN**, Woolwich, schoolmaster, March 9. *Off. Ass. Stansfield*; *Sol. Hughes, Woolwich.*—*Pet. f. Feb. 21.*

**SALTHOUSE, HENRY GEORGE**, Archers-terrace, Old Ford-road, Victoria-park, baker, March 9. *Off. Ass. Stansfield*; *Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Feb. 20.*

**SMITH, GEORGE WILLIAM**, Lime-cottages, Victoria-road, Bow, milkman, March 12. *Off. Ass. Edwards*; *Sol. Holmes, 158, Fenchurch-street.*—*Pet. f. Feb. 19.*

**SMITH, JOSEPH STANLEY**, Canal-bridge, Old Kent-road, stone-mason, March 9. *Off. Ass. Graham*; *Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Feb. 21.*

**STANWARD, WILLIAM**, Middle-row, Holborn, and Palmer-terrace, Holloway-road, carver and gilder, March 12. *Off. Ass. Edwards*; *Sol. Wright, 123, Chancery-lane.*—*Pet. f. Feb. 16.*

**TIMOTHY, PETER VINCENT**, Markyate-street, near Dunstable, Bedfordshire, surgeon, March 12. *Off. Ass. Edwards*; *Sol. Eldred, 8, Great James-street, Bedford-row.*—*Pet. f. Feb. 17.*

**TURNER, FREDERICK**, Fenge, Surrey, carpenter, March 12. *Off. Ass. Edwards*; *Sol. Aldridge, 46, Moorgate-street.*—*Adj. Feb. 21.*

VARNDELL, SAMUEL ANDREWS, Halford-street, Lower-road, Islington, manufacturer of lace nets, March 9. Off. Ass. Stanfeld; Sol. Buchanan, 1, Walbrook-buildings, City.—Pet. f. Feb. 21.

WATTE, WILLIAM, Broadley-terrace, Blandford-square, furrier, March 9. Off. Ass. Graham; Sol. Aldridge, 40, Moorgate-street.—Pet. f. Feb. 20.

WATSON, JOHN, Broad-court, Bow-street, of no occupation, March 12. Off. Ass. Edwards; Sol. Wood, 4, Coleman-street-buildings.—Pet. f. Feb. 21.

WEBB, GEORGE SAMUEL, Little Chapel street, Soho, out of business, March 9. Off. Ass. Graham; Sol. Hare, 8, Old Jewry.—Pet. f. Feb. 19.

WEBBER, JOHN THOMAS SAVERY, West Cowes, Isle of Wight, licensed victualler, March 11. Off. Ass. Cannan; Sol. Beckley, 32, King William-street, City.—Pet. f. Feb. 17.

WEBSTER, JOSEPH MUNDAY, Cheyne-walk, Chelsea, commission agent, March 9. Off. Ass. Graham; Sols. Langford & Co., 59, Friday-street, Cheapside.—Pet. f. Feb. 21.

WENLEY, WILLIAM, Princes-square, St. George's-in-the-East, of no occupation, March 12. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 20.

WILLIAMSON, HENRY WILLIAM, Tooting, Surrey, builder, March 9. Off. Ass. Stanfeld; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. Feb. 14.

### To be heard in the Country.

ALMOND, JAMES, and ALMOND, JOHN, Leeds, dealers in game, March 11, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Feb. 14.

BANTARD, JOHN, Walsham-le-Willows, Suffolk, tailor, March 9, Bury St. Edmunds. Off. Ass. Collins; Sol. Salmon, Bury St. Edmunds.—Pet. f. Feb. 20.

BELL, MATTHEW, Sheffield, table-knife manufacturer, March 7, Sheffield. Off. Ass. Young; Sol. Fennell, Sheffield.—Pet. f. Feb. 21.

BELL, RICHARD, Liverpool, proprietor of a circus, March 9, Liverpool. Off. Ass. Morgan; Sol. Banner, Liverpool.—Pet. f. Feb. 19.

BIGGS, JAMES, Colchester, Essex, dealer in wood, March 7, Colchester. Off. Ass. Barnes; Sol. Jones, Colchester.—Pet. f. Feb. 18.

BISSELL, JOHN NAYLER, Rochdale, Yorkshire, schoolmaster, March 9, Leeds. Off. Ass. Carrick; Sols. Floyd & Co., Huddersfield; Bond & Co., Leeds.—Pet. f. Feb. 20.

BOWDEN, WILLIAM HENRY, Plymouth, Devonshire, butcher, March 14, Plymouth. Off. Ass. Hirtzel; Sols. Elworthy & Co., Plymouth.—Pet. f. Feb. 20.

BOWEN, MARY, Manchester, mathematical instrument maker, March 9, Manchester. Off. Ass. Kay; Sol. Dearden, Manchester.—Pet. f. Feb. 19.

BROCKLEHURST, JAMES THOMAS, Tibshelf, Derbyshire, tailor, March 7, Sheffield. Off. Ass. Young; Sols. Cutts, Chesterfield; Smith & Co., Sheffield.—Pet. f. Feb. 21.

BROWNEIDGE, EDITH, Bishop Auckland, Durham, grocer, March 12, Bishop Auckland. Off. Ass. Trotter; Sol. Thornton, Bishop Auckland.—Pet. f. Feb. 16.

CHAPLIN, HENRY, Coventry, Warwickshire, warehouseman, March 9, Coventry. Off. Ass. Kirby; Sol. Kilby, Banbury.—Pet. f. Feb. 13.

CLARKE, JOHN, North Clifton, Nottinghamshire, butcher, March 18, Newark. Off. Ass. Newton; Sol. Brown, Lincoln.—Pet. f. Feb. 20.

COCK, HENRY, Truro, Cornwall, cattle dealer, March 6, Truro. Off. Ass. Rogers.—Adj. Feb. 10.

COLLINS, EMMA, Ipswich, Suffolk, shoebinder, Feb. 27, Ipswich. Off. Ass. Prettymann; Sol. Ross, Ipswich.—Pet. f. Feb. 21.

COLLINS, JOHN, Landport, Hampshire, retailer of ale, March 9, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. Feb. 19.

CROWTHER, JOHN, Pudsey, Yorkshire, woolstore, March 17, Bradford. Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. Feb. 20.

DELAOURE, JOHN, Mitchelmers, Southampton, dealer in hay, March 16, Romsey. Off. Ass. Tylee; Sol. Mackey, Southampton.—Pet. f. Feb. 20.

DENNIS, SAMUEL, Sennen, Cornwall, March 3, Penzance. Off. Ass. Paynter; Sol. Boyne, Penzance.—Pet. f. Feb. 16.

DREAPER, THOMAS MAX, Egremond, Cheshire, commercial clerk, March 9, Liverpool. Off. Ass. Turner; Sols. Littledale & Co., Liverpool.—Pet. f. Feb. 20.

DREYER, CHRISTIAN, Cardiff, Glamorganshire, out of business, March 6, Cardiff. Off. Ass. Langley; Sol. Ingledew, Cardiff.—Pet. f. Feb. 19.

DUNN, HENRY, Highworth, Wiltshire, bootmaker, March 6, Bristol. Off. Ass. Acraman; Sol. Marshall, 12, Hatton-garden.—Pet. f. Feb. 21.

EMERSON, JOHN, Kimberworth, near Rotherham, Yorkshire, licensed victualler, March 11, Rotherham. Off. Ass. Newman; Sol. Binney, Sheffield.—Pet. f. Feb. 20.

EVANS, JAMES, Merthyr Tydfil, Glamorganshire, coal hauler, March 7, Merthyr Tydfil. Off. Ass. Russell; Sol. Smith, Merthyr Tydfil.—Pet. f. Feb. 21.

FIELDING, WILLIAM, Bolton, Lancashire, clogger, March 9, Bolton. Off. Ass. Holden; Sol. Richardson, Bolton.—Pet. f. Feb. 21.

FISHER, JAMES JOSEPH, West Hartlepool, Durham, painter, March 12, Hartlepool. Off. Ass. Child.—Adj. Feb. 18.

GERARD, AMELIA, Dorchester, Dorsetshire, out of business, March 13, Wimborne. Off. Ass. Rawlins; Sol. Weston, Dorchester.—Pet. f. Feb. 20.

GREEN, WILLIAM, Weymouth, Dorsetshire, writing clerk, March 11, Exeter. Off. Ass. Hirtzel; Sol. Hartnoll, Exeter.—Pet. f. Feb. 23.

GRIBBLE, GEORGE, Crediton, Devonshire, baker, March 11, Exeter. Off. Ass. Hirtzel; Sol. Ploud, Exeter.—Pet. f. Feb. 20.

HAY, WILLIAM, Pembroke Dock, Pembrokeshire, house builder, March 9, Pembroke. Off. Ass. Lanning; Sol. Parry, Pembroke Dock.—Pet. f. Feb. 18.

HAZLEY, GEORGE, Sheffield, cab proprietor, March 7, Sheffield. Off. Ass. Young; Sol. Fennell, Sheffield.—Pet. f. Jan. 22.

HEALEY, WILLIAM, Wolstanton, Staffordshire, labourer, March 21, Hanley. Off. Ass. Challinor; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. Feb. 13.

HOLGATE, WILLIAM, Calverley, Yorkshire, cloth maker, March 17, Bradford. Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. Feb. 20.

HOMES, JAMES ROBINSON, Church Stretton, Shropshire, chemist, March 18, Birmingham. Off. Ass. Whitmore; Sols. Hicks, Shrewsbury; James & Co., Birmingham.—Pet. f. Feb. 20.

HUTCHINSON, ROBERT, Sheffield, agent, March 11, Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. Feb. 21.

KRAST, EDWARD, Gwennap, Cornwall, roper, March 7, Redruth. Off. Ass. Peter; Sol. Linton.—Pet. f. Feb. 20.

LASHBURY, FRANCIS PLUMLEY, Bristol, gentleman, March 6, Bristol. Off. Ass. Miller; Sol. Stubbs, Bristol.—Pet. f. Feb. 19.

LATCOCK, JOHN, Leeds, cloth miller, March 11, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Feb. 20.

M'KAY, ALEXANDER, Pembroke Dock, Pembrokeshire, victualler, March 9, Pembroke. Off. Ass. Lanning; Sol. Parry, Pembroke Dock.—Pet. f. Feb. 18.

MILLER, ROBERT, Liverpool, provision dealer, March 9, Liverpool. Off. Ass. Turner; Sol. Husband, Liverpool.—Pet. f. Feb. 19.

MORGAN, RICHARD, Begelly, Pembrokeshire, farmer, March 20, Narberth. Off. Ass. Owen; Sol. Lascelles, Narberth.—Pet. f. Feb. 19.

MOBLEY, MARIOTT, Nottingham, baker, April 1, Nottingham. Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Feb. 21.

OFFORD, JOHN, Thornam Magna, Suffolk, dealer in cattle, March 12, Eye. Off. Ass. Chenery; Sol. Cream, Eye.—Pet. f. Feb. 20.

PALMER, SAMUEL, Cleobury Mortimer, Shropshire, saddler, March 13, Cleobury Mortimer. Off. Ass. Trow; Sol. Saunders, Kidderminster.—Pet. f. Feb. 16.

PALMER, SUSAN, Stowmarket, Suffolk, confectioner, March 12, Stowmarket. Off. Ass. Archer; Sol. Fuller, Stowmarket.—Pet. f. Feb. 21.

PALMER, THOMAS, Manchester, beer retailer, March 9, Manchester. Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. Feb. 20.

PARRY, BERNARD, Newmarket, near Rhyll, Flintshire, provender dealer, March 13, Liverpool. Off. Ass. Morgan; Sols. Dodge & Co., Liverpool.—Pet. f. Feb. 21.

PENROSE, RICHARD, Tavistock, Devonshire, grocer, March 11, Exeter. Off. Ass. Hirtzel; Sols. Chilcott, Tavistock; Pitta, Exeter.—Pet. f. Feb. 23.

PIDCOCK, GEORGE, Ripley, Derbyshire, publican, March 11, Alfreton. Off. Ass. Hubberty; Sol. Fox, Ashbourne.—Pet. f. Feb. 11.

PRALL, GEORGE WILLIAM, Marden, Kent, beer retailer, March 6, Maidstone. Off. Ass. Scudamore; Sol. Morgan, Maidstone.—Pet. f. Feb. 20.

RASKLIFF, ALFRED, Leeds, joiner, March 11, Leeds. Off. Ass. Sangster; Sol. Scott, Leeds.—Pet. f. Feb. 19.

ROBINSON, CHARLES, Penrith, Cumberland, butcher, March 9, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Arnlson, Penrith; Ingledew & Co., Newcastle-upon-Tyne.—Pet. f. Feb. 19.

RODD, JOHN FROST, Bishopwearmouth, Durham, shipbroker, March 13, Sunderland. Off. Ass. Marshall; Sol. Robinson, Sunderland.—Pet. f. Feb. 17.

SHAW, THOMAS, Salford, Lancashire, out of business, March 7, Salford. Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Feb. 20.

SMITH, WILLIAM, Leeds, soap merchant, March 5, Leeds. Off. Ass. Young.—Adj. Feb. 12.

SMYTH, JOHN ROBERT, West Hartlepool, Durham, painter, March 12, Hartlepool. Off. Ass. Child.—Adj. Feb. 18.

TAYLOR, EDWARD EDWARDS, Wolstanton, Staffordshire, iron roller, March 21, Hanley. Off. Ass. Challinor; Sol. Stratton, Wolverhampton.—Pet. f. Feb. 21.

TYAS, THOMAS, Halifax, Yorkshire, potato dealer, March 12, Leeds. Off. Ass. Young; Sols. Wavell & Co., Halifax; Bond & Co., Leeds.—Pet. f. Feb. 21.

WALKER, WILLIAM, Nottingham, farming bailiff, April 1, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Pet. f. Feb. 11.

WENDELL, WILLIAM, Colchester, Essex, butcher, March 7, Colchester. Off. Ass. Barnes; Sol. Jones, Colchester.—Pet. f. Feb. 18.

WHITEHOUSE, DANIEL, Ashbourne, Derbyshire, brickmaker, March 13, Ashbourne. Off. Ass. Hubberty; Sol. Fox, Ashbourne.—Pet. f. Feb. 13.

### BANKRUPTCIES ANNULLED.

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## GAZETTES.—FRIDAY, Feb. 27.

## BANKRUPTS.

*To be heard in London.*

BINGHAM, GEORGE, Carlsbad-terrace, Fairfield-road, Bow, rigger, March 17. Off. Ass. Cannan; Sol. Wells, 47, Moorgate-street.—Pet. f. Feb. 24.

BOXALL, ALFRED, Thomas-street, Borough, oil gauger, March 12. Off. Ass. Graham; Sol. Wells, 47, Moorgate-street.—Pet. f. Feb. 24.

BRAGO, ROBERT, Wilton, near Hounslow, surveyor, March 12. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

BROWN, BENJAMIN, Bridge-crescent, Kilburn, March 12. Off. Ass. Graham; Sols. Marshall & Co., 12, Hutton-garden.—Pet. f. Feb. 20.

BUTCHER, FREDERICK LEWIS, Canonbury-terrace, Islington, writer on glass, March 12. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

CLARKE, FREDERICK RICHARD JOHN PERCY, Southampton-street, Camberwell, out of business, March 16. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 24.

CLIPPINGDALE, JOSHUA, Canterbury-row, Kennington-road, commission agent, March 17. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

FLETCHER, CHARLES JAMES FREDERICK, Somerset-place, Havill-street, Camberwell, out of business, March 17. Off. Ass. Cannan; Sols. Treherne & Co., Barge-yard-chambers, Bucklersbury.—Pet. f. Feb. 24.

FORSTER, CHARLES JOHN JULIUS, Gracechurch-street, and Mark-lane City, and Portland-place North, Clapham-road, Surrey, corn dealer, March 17. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

GEDGE, LEWIS JOHN, Sutherland-terrace, Pimlico, cabinet maker, March 17. Off. Ass. Cannan; Sols. Vallance & Co., 20, Essex-street, Strand.—Pet. f. Feb. 23.

GILLIAM, GEORGE, Hatton-garden, assistant to a silversmith, March 17. Off. Ass. Stansfeld; Sol. Munday, 6, Essex-street, Strand.—Pet. f. Feb. 24.

GRIFFS, EDWARD JOHN, Portland-street, Commercial-road East, commercial clerk, March 12. Off. Ass. Edwards; Sol. Chidley, 25, Old Jewry.—Pet. f. Feb. 25.

HAYWARD, JOSEPH, Richmond-road, Hackney, out of business, March 17. Off. Ass. Stansfeld; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. Feb. 23.

HOSKINS, JAMES, Broadley-street, Blandford-square, carpenter, March 17. Off. Ass. Stansfeld; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. Feb. 24.

HOWLAND, EDWIN MAURICE, Manor-cottage, Upper Bland-street, Dover-road, commission agent, March 17. Off. Ass. Cannan; Sol. Cooper, 9, Charing-cross.—Pet. f. Feb. 23.

KENNEDY, MATTHEW, Church-street, Waterloo-road, brushmaker, March 16. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 24.

KING, JAMES, Lindfield, Sussex, builder, March 12. Off. Ass. Graham; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. Feb. 25.

MEADOWS, JOHN, Queen-street, Horslydown, Southwark, carpenter, March 17. Off. Ass. Stansfeld; Sol. Drew, 4, New Basinghall-street.—Pet. f. Feb. 25.

NIXON, EDWARD MAITLAND, Woodland-hill, Upper Norwood, commercial traveller, March 12. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 21.

PATRIDGE, DANIEL, Cardington-street, Hampstead-road, shopman to an upholsterer, March 9. Off. Ass. Graham; Sols. Treherne & Co., 17, Gresham-street.—Pet. f. Feb. 20.

PAXMAN, HENRY, Normandy-place, Brixton, commission agent, March 16. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 23.

POOLE, THOMAS, Harefield, near Uxbridge, and Slough, Buckinghamshire, saddler, March 9. Off. Ass. Stansfeld; Sol. Manning, 64, New Bond-street.—Pet. f. Feb. 23.

RIDDING, RICHARD, Portland-gardens, Notting-hill, licensed appraiser, March 17. Off. Ass. Cannan; Sols. Stopher & Co., 36, Coleman-street.—Pet. f. Feb. 24.

ROLFE, ALFRED, Amwell-street, Pentonville, commission agent, March 17. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

RUTHERFORD, GEORGE, Brook-terrace, Brook-street, Upper Clapton, accountant, March 17. Off. Ass. Cannan; Sol. Massey, 8, Old Jewry.—Pet. f. Feb. 25.

SCOTT, JOHN LEE, Gravesend, Kent, dock agent, March 17. Off. Ass. Cannan; Sols. Blake & Co., 22, College-hill, Cannon-street.—Pet. f. Feb. 24.

SHIELD, MATTHEW, Belgrave-road, and New Bridge-street, Blackfriars, shipowner, March 17. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

SIMPSON, THOMAS, High-street, Stoke Newington, and Bazaar-place, Kingsland, hatter, March 17. Off. Ass. Graham; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. Feb. 24.

SLIGHT, SAMUEL, Robert-street, Chelsea, commercial clerk, March 9. Off. Ass. Stansfeld; Sol. Chidley, 25, Old Jewry.—Pet. f. Feb. 25.

STEARNS, WILLIAM MORLEY, and STEARNS, EDWARD, Spencer-villas, Grange-road, Canonbury, gas engineers, March 17. Off. Ass. Cannan; Sol. Ferry, 2, Guildhall-chambers.—Pet. f. Feb. 25.

SURBRIDGE, WILLIAM, Newcastle-place, Edgeware-road, Middlesex, and St. James's-mews, Brighton, job master, March 17. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

THOMAS, JAMES, Upper Southwick-street, Cambridge-terrace, Faddington, and Lambeth-walk, Lambeth, baker, March 17. Off. Ass. Stansfeld; Sol. Chappell, 40a, Connaught-terrace, Hyde-park.—Pet. f. Feb. 25.

WALLIS, EDWARD, Old-street-road, oil and colourman, March 9. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

WRANGHAM, ALFRED JOHN, Green-walk, Southwark, out of business, March 12. Off. Ass. Graham; Sol. Scott, 5, Verulam-buildings, Gray's-inn.—Pet. f. Feb. 23.

WRIGHT, JOHN, Compton-street, Brunswick-square, builder, March 17. Off. Ass. Cannan; Sol. Lloyd, 1, Wood-street, Cheap-side.—Pet. f. Feb. 23.

WILSON, HENRY, Shooter's-hill-road, Blackheath, and Philpot-lane, ship broker, March 17. Off. Ass. Stansfeld; Sols. Holmer & Co., Dowgate-hill.—Pet. f. Feb. 25.

*To be heard in the Country.*

ALCOCK, JAMES EMERSON, Hawling, Glamorganshire, clerk in holy orders, March 13, Bristol. Off. Ass. Miller; Sols. Plambe, Winchcomb; Bevan & Co., Bristol.—Pet. f. Feb. 22.

AVINS, HENRY, Birmingham, lawyer, March 18, Birmingham. Off. Ass. Whitmore; Sols. Southall & Co., Birmingham.—Pet. f. Feb. 23.

BARLOW, JAMES, Liverpool, music seller, March 12, Liverpool. Off. Ass. Morgan; Sol. Thornley, Liverpool.—Pet. f. Feb. 23.

BARTON, THOMAS, Ashton-in-Mackerfield, Lancashire, labourer, March 26, Wigan. Off. Ass. Farr; Sol. Barrow, St. Helen's.—Pet. f. Feb. 20.

BELCH, HENRY FERDINAND, Middlesbrough, Yorkshire, accountant, March 17, Stockton. Off. Ass. Crosby; Sol. Griffin, Middlesbrough.—Pet. f. Feb. 23.

BULL, GEORGE, Hethe, Oxfordshire, shoemaker, March 12, Bicester. Off. Ass. Stone; Sol. Mills, Bicester.—Pet. f. Feb. 25.

BURGE, WILLIAM JAMES, and BURGE, EDWIN, Tewkesbury, Gloucestershire, mercers, March 13, Bristol. Off. Ass. Miller; Sols. Boodle, Cheltenham; Clifton & Co., Bristol.—Pet. f. Feb. 23.

BURRILL, JOSEPH, Thirsk, Yorkshire, farmer, March 12, Leeds. Off. Ass. Young.—Adj. Feb. 23.

CHAMFON, RAZIN WOODS, Haslemere, Surrey, farmer, March 11, Godalming. Off. Ass. King; Sol. White, 8, Dance-inn, Strand, and Guildford.—Pet. f. Feb. 16.

CHINN, EMMANUEL, Charlton Marshall, Dorsetshire, baker, March 11, Blandford. Off. Ass. Johns; Sol. Atkinson, Blandford.—Pet. f. Feb. 24.

CLARIDGE, JAMES EDWARD, Ripple, Worcestershire, out of business, March 25, Upton-upon-Severn. Off. Ass. Gough; Sol. Wilson, Worcester.—Pet. f. Feb. 5.

CLUTSON, EDWARD TUCKER, Bristol, in no business, March 13, Bristol. Off. Ass. Harley; Sol. Dene.—Pet. f. Feb. 23.

COWLES, CHARLES, Chelmsford, March 9, Ipswich. Off. Ass. Gepp; Sol. Duffield, Chelmsford.—Adj. Feb. 17.

CROSSLY, JOSEPH, Bury, Lancashire, licensed victualler, March 16, Manchester. Off. Ass. Herniman; Sol. Gardner, Manchester.—Adj. Feb. 12.

CURDY, HENRY, Attercliffe, near Sheffield, horse dealer, March 18, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Adj. Feb. 23.

DAKIN, BENJAMIN, Dawley-green, Shropshire, miner, March 13, Birmingham. Off. Ass. Whitmore; Sols. Phillips, Shifnal; Hodgson & Co., Birmingham.—Pet. f. Feb. 25.

DALEY, WILLIAM, Cottingham, Yorkshire, joiner, March 9, Hull. Off. Ass. Phillips; Sol. Summers, Hull.—Pet. f. Feb. 23.

DAVIES, CHARLES, Pontypridd, Glamorganshire, colliery proprietor, March 13, Bristol. Off. Ass. Miller; Sols. Bevan & Co., Bristol.—Pet. f. Feb. 23.

DEANE, JOSEPH STANSFELD, Liverpool, March 12, Liverpool. Off. Ass. Turner; Sol. Husband, Liverpool.—Pet. f. Feb. 23.

DENNETT, CHARLES, Brighton, March 18, Brighton. Off. Ass. Everashed; Sol. Mills, Brighton.—Pet. f. Feb. 23.

DOBBS, SAMUEL, Skegby, Nottinghamshire, hosier, March 16, Mansfield. Off. Ass. Patchitt; Sol. Curshaw, Mansfield.—Pet. f. Feb. 25.

DROGFIELD, JOHN, Mansfield, Nottinghamshire, out of business, March 17, Chesterfield. Off. Ass. Wake; Sols. Hawkrigge & Co., Nottingham.—Pet. f. Feb. 24.

FERN, JAMES, Lincoln, fishmonger, March 11, Lincoln. Off. Ass. Uppley; Sols. Brown & Co., Lincoln.—Pet. f. Feb. 24.

FOGGEN, GEORGE, Landport, Hampshire, builder, March 9, Portsmouth. Off. Ass. the registrar; Sol. Cousins, Portsmouth.—Pet. f. Feb. 21.

GALLAFANT, JOSEPH, Halstead, Essex, innkeeper, March 13, Halstead. Off. Ass. Harris; Sols. Hustler & Co., Halstead.—Pet. f. Feb. 10.

GEORGE, ANKURIN, Brecon, slater, March 13, Bristol. Off. Ass. Miller; Sols. Thomas, Brecon; Nash, Bristol.—Pet. f. Feb. 24.

GUER, WILLIAM HUNTLEY BRYANT, Hastings, Sussex, ticket collector, March 12, Hastings. Off. Ass. Young; Sol. Goodman, Brighton.—Pet. f. Feb. 25.

HANFORD, HENRY, Bridgwater, Somersetshire, carpenter, March 18, Bridgwater. Off. Ass. Lovibond; Sol. Reed, Bridgwater.—Pet. f. Feb. 23.

HEWISH, THOMAS, Cheriton Fitzpaine, Devonshire, tailor, March 16, Crediton. Off. Ass. Tanner; Sols. Cleave & Co., Crediton.—Pet. f. Feb. 25.

HIBBERT, PETER, Bollington, Cheshire, baker, March 11, Manchester. Off. Ass. Herniman; Sol. Pickford, Macclesfield.—Pet. f. Feb. 19.

HIRD, ANN, Ulverston, Lancashire, grocer, March 23, Ulverston. Off. Ass. Postlethwaite; Sol. Salmon, Ulverston.—Pet. f. Feb. 24.

HOPGSON, RALPH, South Shields, Durham, grocer, March 9, South Shields. Off. Ass. Wawn; Sol. Bowlby, South Shields.—Pet. f. Feb. 9.

HORSFIELD, THOMAS CLIFFE, Barnes Green, near Ecclesfield, Yorkshire, farmer, March 7, Sheffield. Off. Ass. Young; Sols. Smith & Co., Sheffield.—Pet. f. Feb. 20.

JOHNSON, JOHN, Manchester, corn factor, March 9, Manchester. Off. Ass. Herniman; Sol. Simpson, Manchester.—Pet. f. Feb. 24.

JONES, JOHN, Swansea, Glamorganshire, ironfounder, March 13, Bristol. Off. Ass. Acraman; Sols. Beon, Swansea; Henderson, Bristol.—Pet. f. Feb. 24.

LAVINGTON, JAMES, Emsworth, Hampshire, labourer, March 9, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsmouth.—Pet. f. Feb. 21.

[For continuation of Gazette, see p. 86, col. 2.]



CONTENTS.

London Gazettes .....	78
Leading Article .....	79
Correspondence .....	81
Chancery Order .....	82
Circuit Regulation Commission.....	82
Office of Land Registry .....	83
Books Received .....	85
Imperial Parliament .....	85

NAMES OF THE CASES REPORTED.

HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

Holroyd v. Marshall.—( <i>Bill of sale—Assignment of future chattels—Added or substituted machinery—Possession by assignor—Assignee's right of, to the after-acquired machinery—Judgment creditor</i> )	213
---	-----

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Barnard v. Bagshaw.—( <i>Trustees—Misapplication of trust funds</i> ).....	220
--	-----

VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

Gibson v. The Hammersmith and City Railway Company.—( <i>Public company—Lands Clauses Consolidation Act—Trade fixtures</i> ) .....	221
--	-----

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister-at-Law.

In re The Macclesfield Canal Act, The Manchester and Sheffield Railway Company's Act, The Manchester, Sheffield, and Lincolnshire Railway Company's Act, and in re The Trusts of the Will of George Ackers.—( <i>Canal companies—Payment out of court—Costs</i> ) .....	224
Eno v. Tatam.—( <i>Will—Construction—Bequest of personality subject to payment of debts—Mortgaged estate—Exoneration—17 &amp; 18 Vict. c. 113</i> ) .....	225.

COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Reg., on the Prosecution of the Burial Board of the Parish of Amersham v. The Overseers of Colleshill.—( <i>Burial Acts, 15 &amp; 16 Vict. c. 85—16 &amp; 17 Vict. c. 134—18 &amp; 19 Vict. c. 128—Burial boards—Separate parishes constituting one for purposes of the acts—Apportionment of expenses—Mortgage</i> )	226
---	-----

COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Allen v. Smith.—( <i>Innkeeper—Lien of, on horses of his guest—Livery stables</i> ) .....	230
Clothier v. Webster.—( <i>Negligence—Liability of public body for—Construction of sects. 135 and 225 of the Metropolis Local Management Act</i> ).....	231

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Mary Wellock v. Constantine.—( <i>Action for assault suspended by felony—Rape—Nonsuit</i> ) .....	232
---	-----

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. E. BROWNING, Barrister at Law.

Gippe v. Gippe and Hume.—( <i>Connivance—Agreement to withdraw petition in consideration of a sum of money paid by co-respondent to petitioner</i> ) .....	233
--	-----

COURT OF ADMIRALTY.

By W. E. BROWNING, Barrister at Law.

The Kasan.—( <i>24 Vict. c. 10, s. 6—"Any breach of duty, or breach of contract"</i> ).....	235
---	-----

CROWN CASES RESERVED.

By G. FRANCIS, Barrister at Law.

Reg. v. John Hastie.—( <i>Embezzlement—Friendly society—Secretary—Rules—Course of business</i> ) ..	235
---	-----

THE JURIST.

LONDON, MARCH 7, 1863.

WHILE codification of the law is abandoned, at least for the present, and there is little to notice in the way of consolidation or amendment of it, we may well direct our attention to a somewhat analogous subject, the Order in Council of the 9th January, 1863, made under the Foreign Jurisdiction Act, 6 & 7 Vict. c. 94, "for the Regulation of Consular Jurisdiction in the Dominions of the Sublime Ottoman Porte," and "the Rules of her Britannic Majesty's Supreme Consular Court, and other Consular Courts, in the Dominions of the Sublime Ottoman Porte," framed under that Order. These documents, drawn up, we believe, by Mr. F. S. Reilly, of Lincoln's-inn, have been recently issued; and we purpose to advert to some of the most remarkable of their provisions.

The first of these documents, namely, the Order in Council, although much in the form of an act of Parliament, and having much resemblance to a code, can hardly be looked on as such in reality; for it contains an express provision (sect. 2, art. 6), that, "subject to the other provisions of this Order, the civil and criminal jurisdiction aforesaid shall, as far as circumstances admit, be exercised upon the principles of, and in conformity with, the common law, the rules of equity, the statute law, and other law, for

the time being in force in and for England, and with the powers vested in, and pursuant to, the course of procedure and practice observed by and before courts of justice and justices of the peace in England, according to their respective jurisdictions and authorities." And by the next article (art. 7), "Nothing in this Order shall be deemed to deprive her Majesty's consular officers of the right to observe and to enforce the observance of any reasonable custom obtaining within the Ottoman dominions, or to deprive any person of the benefit thereof, except where this Order contains some express and specific provision incompatible with the observance of such custom."

We proceed to the regulations with respect to juries, some of which are peculiar. In the first place, no person is qualified to sit on a jury, unless he is "able to speak and read English" (sect. 4, art. 15); the latter qualification, it is perhaps needless to remark, not being required by the common law. The jury shall consist of five, and give an unanimous verdict (sect. 4, art. 19), and it is worthy of notice, that in civil cases each party (in addition to the usual challenges for cause) may challenge three jurors *peremptorily*. (Id.) In a subsequent place it is provided (sect. 5, subsect. 2, art. 40), "Where a suit instituted in the Supreme Consular Court, or in a Provincial Consular Court held before a resident Legal Vice-Consul, relates to money, goods, or other property, or any civil right or other matter at issue of the amount or value of 50*l.* sterling or upwards, or is brought for recovery of damages of the amount of 50*l.* sterling or upwards, the

suit shall, on the demand of either party, be tried with a jury. "In any case (except where, according to the rules of the Court, the suit is to be heard and determined in a summary way) a suit so instituted may be tried with a jury, if the Court, of its own motion or on the application of either party, thinks fit so to order. "One of her Majesty's Principal Secretaries of State may, by order under his hand, extend the present provision to any Provincial Consular Court not held before a resident Legal Vice-Consul, where it appears to him a sufficient jury list can be obtained."

The efforts of Lord Brougham and others to introduce courts of reconciliation and arbitration among us are well known. They are formally established in these Consular Courts by the following regulations:—

"30. Every Consular Court and its officers shall, as far as there is proper opportunity, promote reconciliation, and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons over whom the Court has jurisdiction.

"31. Every Consular Court may promote reconciliation; and encourage and facilitate the settlement, in an amicable way, of any suit or proceeding pending before it.

"32. A Consular Court may, with the consent of the parties, refer to arbitration the final determination of any suit or proceeding pending before it, or of all matters in difference between the parties, on such terms and with such directions as to appointment of an arbitrator and other things as may seem fit, and may, if it thinks fit, take from the parties, or any of them, security to abide by the result of the reference.

"In any such case the award shall be final and conclusive.

"On the application of any party a decree of the Court may be entered in conformity with the award, and such decree shall not be open to any appeal or rehearing whatever." (Sect. 5, subsect. 2, art. 30 et seq.)

And also (sect. 2, subsect. 3, art. 46), "A Consular Court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for assault, or any other offence not amounting to felony, and being of a private or personal character, on terms of payment of compensation or other terms that may seem reasonable or expedient, and may thereupon order the proceedings to be stayed."

As to the general authority of the Courts, sect. 5, subsect. 2, art. 34, enacts, that "The Supreme and every other Consular Court shall be a court of law and of equity; and (subject to the other provisions of this order) shall have and may exercise all jurisdiction, power, and authority, legal, equitable, or other, which any Consul of her Majesty by custom has or may exercise in the Ottoman dominions."

The provision as to costs in criminal cases are very different from those of the laws at home.

"A Consular Court may order any person convicted before it of any crime or offence to pay all or any part of the expenses of his trial and imprisonment or other punishment.

"Where it appears to the Court that a charge is

malicious, or frivolous and vexatious, the Court may order all or any part of the expenses of the prosecution to be paid by the prosecutor." (Sect. 2, subsect. 3, art. 56).

The rules framed under the Order in Council contain the following provision respecting oaths:—"On any occasion the Court may, if it thinks it just and expedient, for reasons to be recorded in the minutes of proceedings, take without oath the evidence of any person objecting on grounds of conscience to take an oath, the fact of the evidence having been so taken without oath being also recorded in the minutes of proceedings. (Sect. 13, art. 273). It will be observed that this provision, although it goes beyond the existing law, falls far short of the provisions of Sir John Trelawney's bill.

In imitation of Jarvis's Act, the following directions are given with reference to the examination of prisoners before trial (Sect. 15, subsec. 2, arts. 323, 324):—

"After the examination of all the witnesses on the part of the prosecution is completed, the Court shall, without requiring the attendance of the witnesses, read over to the accused the depositions taken against him, and shall then say to him these words:—

'Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you on your trial. And I give you clearly to understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat, that may have been held out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or threat.'

"Whatever the accused then says in answer thereto shall be taken down in writing (Form 40), and shall be read over to him, and shall be kept with the depositions of the witnesses, and afterwards, on the trial of the accused, the same may be given in evidence against him without further proof thereof.

"Nothing in the foregoing rules, however, is to prevent the prosecutor from giving in evidence any admission, or confession, or other statement of the accused, made at any time, which would by law be admissible as evidence against him."

The length of this form appears to us very objectionable.

We wish we had time and space for further extracts. On the whole, the legislation in question—for legislation it is in reality—has been the result of much care, aided by a large acquaintance with the numerous proposals for amending the law, both successful and otherwise, which have been brought forward in modern times. Many of these proposals, some judicious, and others of a more questionable nature, have been adopted, whilst others have been, with a wise discrimination, rejected.

## Correspondence.

## SHALL WE REGISTER TITLE?

TO THE EDITOR OF "THE JURIST."

SIR,—I have read with considerable disappointment the letter of your correspondent "G. L." (ante, p. 60); I say with considerable disappointment, for, writing my little book of the above title for those whom I took the liberty of calling the unlearned, I had hoped that my construction of the act in question was expressed in a manner capable of being understood by all of those for whom I wrote. Still flattering myself that my little book is intelligible to the intelligent portion of the "unlearned," I shall take the liberty, with your permission, of replying to such of "G. L.'s" observations as seem to call for a reply from me, passing over all personal matters.

I must tell your readers, for they could not at first identify it, that the act of Parliament which has the misfortune to come under "G. L.'s" castigation, is the 25 & 26 Vict. c. 53, popularly known as the Act for Registration of Land and Title. "G. L." starts with this question—"What is the grand principle of this act?" Hear the answer, O ye legislators, who flattered yourselves that ye were doing something grand when ye passed this act. "Is it not the substitution of abstracts of the effect of documents, for the documents themselves?"

"G. L." must excuse me for thinking that there is some larger principle in the act than the mere encouragement of concise conveyancing. I think the grand principle of the act is told in five words—Indefeasibility of title for purchasers. Parliament has, in this instance, as it constantly does, affirmed the principle of political government, that public good is to be wrought out, although by possibility a private wrong may be inflicted. To apply that principle to the present case. It being admitted that facility of dealing with land and security of title would be an undoubted public good, and that the first could be attained by registration, and the latter by a declaration of indefeasibility, but that, possibly, by giving indefeasibility an individual wrong might be committed. Parliament has said, "We will establish a mode of registration, and declare this indefeasibility of title in a purchaser, but we will hedge round, with every protection against fraud or injustice, the path to registration." This, I say, is the great principle of the act; besides this great principle, there is this corollary from it, that a person having, or supposing himself to have, some claim against, or on registered land, is not to be allowed to lie by, sleeping on this claim, or supposed claim, to the prejudice of a subsequent purchaser. This principle and this corollary is my answer to the next question of "G. L." He complains, that in the case of a will of registered land, he, we will suppose him to be a disinherited heir, must fight out his rights before the registrar, or at all events before the land is sold and transferred to a purchaser. And he asks, "Why am I bound to fight out the matter before the registrar, and convince him, or for ever after the said sale, hold my peace?" I submit the answer is self evident; and the same principle was established by the Probate Act, 20 & 21 Vict. c. 77, ss. 61, 62. But then "G. L." supposes the case of an ambiguously worded will; suppose, for instance, it is doubtful on the terms, whether A. is tenant in tail or only for life, remainder in fee to B., A. brings in the will, and asks to be registered as tenant in tail. B. is given notice of A.'s application, and of the time when the question will be taken into consideration by the registrar; if B. appear, he can have the question argued, *neque ad nau-*

seam: he can go from the registrar to the judge in Chancery, thence to the Court of Appeal in Chancery, thence to the House of Lords. But "G. L." complains, that if B. choose to lie by, and allows A. to be registered as tenant in tail, he cannot after a sale raise the argument against the purchaser, that A. was only tenant in tail. Surely it is only necessary to state the proposition to be self-demolished, when we have the above principle and corollary affirmed by Parliament.

I next come to what "G. L." imagines to have been a slip of my pen, in my comment on sect. 20. I think that a little calm consideration will shew that this section is not so absurd as "G. L." imagines it to be. There are two things spoken of in sect. 20 that are as distinct as cause and effect. First, the power of a registered owner on the occasion of a sale, mortgage, &c., to convey to the purchaser an indefeasible title, although he has it not in himself; secondly, as the result of the conveyance to the purchaser, *positive indefeasibility of title in the purchaser*. When, therefore; the 20th section declares that, "Subject &c., the persons originally and from time to time named and described in such record of title as aforesaid, shall, for the purpose of any sale, &c., be, and be deemed to be, absolutely and indefeasibly possessed," &c., it is quite clear that those words cannot, in their primary application, be taken to speak of those who would have absolute indefeasibility in themselves, such as purchasers, mortgagees, &c., but of the applicant, or volunteers under him; therefore I excepted from the primary operation of those words purchasers, mortgagees, &c., from the less favourable position of the former, who were only to be deemed to be indefeasibly possessed; because, by the act of sale or mortgage, the purchaser or mortgagee obtains an indefeasible title. So far, then, from my exception of purchasers, mortgagees, &c., from the class of persons who are to be deemed, for the purpose of sale, mortgage, &c., indefeasibly possessed, being capable of being used as an argument, "that they have no title whatever under the act for any purpose whatever," it only goes to confirm the plain operation of the section, that purchasers, mortgagees, &c. obtain absolute indefeasibility, and therefore, as a necessary consequence from that, not as being "deemed" &c. capable of selling &c. with an indefeasible title. *Omne major in se continet minus*. It is quite clear to me that "G. L." has not paid sufficient attention to the distinction between *indefeasibility* "deemed," and the *absolute indefeasibility* of a purchaser, mortgagee, &c.

"G. L." then says, "We find the author stating, that 'the applicant can never obtain an indefeasible title. He' (the purchaser from Roupell) 'would have been placed on the register *probably*, but the title would not become indefeasible until the property came into the hands of a purchaser subsequently for valuable consideration, without notice of the fraud.' May I ask Mr. Edwards whether such last-mentioned purchaser would have appeared in the record of title? And if so, what is meant by his exception in his commentary on sect. 20?" I answer the first of these questions by saying, of course "the last-mentioned purchaser would have appeared in the record of title" immediately, if the conveyance was effected in the office; if by ordinary deed of conveyance, so soon as it was lodged with the registrar; but the last-mentioned purchaser would have, under the 20th section, an absolute, and not a mere qualified, indefeasible title. The second of these questions has been sufficiently answered already; but I may add, that, writing for the public, I thought it better to give them the legal result of the enactment, and not to mystify them with the idea that a purchaser or mortgagee of registered land would only be deemed, for the purpose of sale, &c., indefeasibly en-

titled. It is manifest that the purchaser, &c. does not require this, because he gets an absolutely indefeasible title. Had I been writing a strictly legal commentary upon the 20th section, I should have said that purchasers, mortgagees, &c., who are named in the record of title, *do* come within the words of the section, who are to be *deemed*, for the purpose of sale, &c., absolutely and indefeasibly possessed; but I should have added, that they have by the same section absolute indefeasibility in themselves, and that this greater estate is not cut down by the Parliamentary fiction of being *deemed*, &c. The contrary of this last proposition is, I presume, "G. L.'s" notion of the effect of the section. I can imagine his arguing thus:—True, the section says that a registered owner is for the purpose of any sale, &c., to be and be deemed absolutely and indefeasibly possessed of and entitled to such estates. True, the purchaser, by the conveyance from the vendor, obtains an indefeasible estate; but the moment his name is placed on the record of title, the section says, he is for the purpose of sale, &c., *to be deemed*, &c.: ergo, his indefeasible estate is cut down. There might possibly be some room for this contention, if no other legal effect could be given as regards purchasers, mortgagees, &c., to the words, denoting that the person on the record of title should, for the purpose of sale, &c., *be deemed*, &c. But those words have clearly another and a beneficial effect upon purchasers, &c., as it renders it unnecessary for them, or volunteers under them, on the occasion of a sale, &c., to prove or shew that there had been a previous purchase. They may point to their names on the record of title, and say to the intended purchaser, "That is sufficient for you. We can, under the 20th section, convey an indefeasible title to you, whether we were purchasers for value or not." This effect of the 20th section would not be of much consequence to a purchaser, &c., who had not dealt with the estate since his purchase, but where he has, or where it has come into the hands of volunteers from him, it is of the greatest consequence, as the entry on the record of title renders it unnecessary to examine the title from the time of the last purchase. I think, therefore, the more we consider this 20th section in all its bearings, the less open is it to the strictures and doubts of "G. L." I do not wish to enter the lists with "G. L." or any other writer, in defence of the verbal structure of the clauses of this act, and agree with him that the 105th section would read better with the words "on behalf of" instead of "as against," but, as the meaning of the section is unmistakeable, the error may be pardoned; probably, it arose from the draftsman having an idea of antagonism in his mind. I have looked at "G. L.'s" former letter, referred to in his last, and have been much amused at the forlorn state of an unhappy landowner, who might venture to take a trip to the Continent, or elsewhere, for a period of three months, and on his return find his ancestral estate indefeasibly vested in a stranger.

Regretting the length to which this letter has run, I remain,

Your obedient servant,

TENISON EDWARDS.

8, New-square, Lincoln's-inn.

#### BARRISTERS' CLERKS.

TO THE EDITOR OF "THE JURIST."

Sir,—The number of cases in which counsel are robbed by their clerks is apparently an increasing one. Let all solicitors make it an invariable rule to pay all fees by cheque, crossed, and drawn payable to order. This will give the Bar greater security than they now possess.

Your obedient servant,

A BARRISTER.

#### CHANCERY ORDER.

WHEREAS Tuesday, the 10th March next, is the day appointed for the marriage of his Royal Highness the Prince of Wales: and whereas, by the 5th of the Consolidated Orders of the High Court of Chancery, rule 6, the Lord Chancellor is authorised from time to time, by special order, to direct the offices of the court to be closed on days other than those therein mentioned: I do therefore order that the several offices of this court be closed on Tuesday, the 10th March next, and that this Order be entered with the registrar, and set up in the several offices of this court.

(Signed) WESTBURY, C.

#### CIRCUIT REGULATION COMMISSION.

THE following letter has been addressed by the Attorney-General to the editor of *The Times*, with reference to the questions asked in Parliament on the subject of the Circuit Regulation Commission (ante, p. 73):—

"Sir,—In answer to Mr. M'Mahon's question on the subject of assizes and circuits, put to me yesterday in the House, I replied that the state of the Northern and other Circuits was under consideration by the Government, with a view to re-arrangement, &c. In the Parliamentary report in *The Times* of to-day, my allusion to 'other' circuits, besides the Northern Circuit, does not appear. May I beg the favour of your giving insertion to this explanation?

"Your obedient servant,

"Temple, Feb. 20.

"WILLIAM ATHERTON."

#### OFFICE OF LAND REGISTRY.

##### MEMORANDUM AS TO THE MODE OF PROCEEDING ON APPLICATION FOR REGISTRATION OF TITLE.

[These directions, with forms of application for registration and other forms, may be obtained on application, personally or by letter, to the Office of Land Registry, No. 34, Lincoln's-inn-fields.]

##### AS TO INDEFEASIBLE TITLES.

###### *Application for Registration.*

1. THE application for registration should state such particulars of the property, including the actual or estimated quantity, as that on the perusal of the abstract of title, it may be sufficiently identified with the property comprised in such abstract.

###### *Abstracts.*

2. The abstract of title should be in the usual form, but setting out in full the description of the parties to the various deeds and documents, and in all wills and voluntary instruments, and in such other documents as are not more than ten years old, the names and descriptions of the attesting witnesses. The terms of the attestation clauses to deeds and wills, executing powers should be also carefully set forth. Every instrument relating to the title, from the period fixed on for its commencement (including all mortgages and charges, even where satisfied), should be abstracted; and a short abstract should also be furnished of leases or agreements under which any of the tenants hold, any unusual provision being noticed in such abstract. The descriptions of the parcels to which the abstract relates, contained in any deed or document, should be accurately set out; but if they are afterwards dealt

with in any other document by precisely the same descriptions, it will be sufficient in the abstract of such other document to state, that they are described by the same descriptions as in the former document; or, in case of variance, if the variance is slight, it will be sufficient to shew what such variance is. Every exception or reservation, heriot, quit-rent, or other charge or liability, however trifling, should be stated in the abstract. When any person succeeds as heir, so much of the pedigree as proves such heirship should be set forth. Births, deaths, and other facts of pedigree, when stated, should be accompanied by a reference to the evidence, or to that part of the schedule referred to in paragraph No. 9, which shews the evidence, by which the truth of such statement is proved.

3. If the abstract be prepared for the purposes of the application for registration, the statutory declaration or affidavit verifying the same should be made by the person who prepared it, and should shew that such person had possession of, or access to, all deeds and writings known or believed to exist relating to the property, or affecting the title, and that the abstract was prepared by him after a proper investigation and examination of such deeds and writings, and correctly shews the title to the property to the best of his judgment and belief.

4. If the abstract were not prepared for the purposes of the application, then the declaration or affidavit should shew that the solicitor lodging it has personally examined it with the original deeds and writings, and ascertained that it is correct with reference to all deeds and writings existing relating to or affecting the property. Or if there is any obstacle existing, either on the ground of expense or otherwise, to the personal examination of the original deeds and writings by the solicitor, and he can otherwise satisfactorily shew that the abstract has been properly prepared, and has on some former occasion been examined and compared with the original documents, and is a full and complete abstract of the title to the property, a declaration or affidavit satisfactorily shewing those facts will be sufficient. In that case any addition to the abstract rendered necessary by paragraph No. 2 can be made when the abstract is examined with the deeds for the purposes of registration.

5. If the abstract has been prepared or examined by, or if the actual knowledge of the facts be in the possession of, a clerk or other competent person, instead of the solicitor, the declaration or affidavit may be made by such person, and it should in that case shew that such person is from his situation competent to depose to the several facts.

6. A copy, or the original, of every map or plan drawn on, or referred to, in any abstracted document, and which is not shewn on the abstract, and also of any modern map or description of the property which may be in the applicant's possession, should be left with the abstract.

#### *Examination of Documents.*

7. The original documents referred to in the abstract will be examined, and compared therewith, by some person appointed by the registrar for that purpose. If, from any reason, any of the original documents cannot be produced, that circumstance should be distinctly stated in the abstract, and the reason for such non-production stated.

8. The original documents may be sent to this office for examination, or, if more convenient, may be produced in the country, or in any part of London. If they are lodged in the office, they will, if possible, be examined by the officers of the office, and the fee payable to the office in that case is stated in the General Orders. If they are not lodged in the office, or if it is

not possible for the officers of the office to examine them, a person will be employed by the registrar to compare and examine them with the abstract, and the charges of the person so employed will have to be paid by the applicant. An undertaking of the solicitor, or of the applicant, for the payment of such charges will, in most cases, be sufficient. The expense will be the ordinary charge of a solicitor for such work. The amount will be settled by the registrar, if the parties differ<sup>o</sup>.

#### *Schedule of Evidence.*

9. Together with the abstract, there will have to be left in this office, under the 5th of the General Orders, a list or schedule of the evidence in the possession or power of the applicant necessary to verify the title. The object of this is to prevent the expense and delay of having to make requisitions, and obtain replies on points of evidence, the answers to which are already in the power of the applicant. This list is not, however, to be a list of the deeds and documents abstracted, but should contain matters of evidence, such as certificates, declarations, &c., not set out in the abstract. No document abstracted should be inserted in this list.

#### *Examination of Title.*

10. The abstract will be laid before such one of the examiners of title as shall be nominated by the registrar for the purpose. The fee on the abstract, which will be the usual fee paid to conveyancing counsel, will have to be paid by the applicant.

11. The opinion of the examiner of title will be returned to the registrar, and such requisitions as are necessary on the title will be sent from this office to the applicant's solicitor for his replies; and any question on the requisitions will (unless referred into the judges' chambers) be decided by the registrar or assistant registrar.

#### *Maps and Descriptions of Parcels.*

12. The map and description should shew the present actual state and condition of the property as it is intended to be registered†. If this map and description are not left with the abstract, notice will be given to the applicant of the time when the same will be required to be deposited.

13. The map may be a copy of any recent and correct estate or parish map, or of the tithe map, if on a sufficiently large scale to ensure accuracy. One series of closes round the boundaries of the property should, when practicable, be shewn upon the map, and the exact position of the boundaries claimed, whether centre or side of road, fence, stream, &c., or otherwise, should be defined on the map, either in writing or by initial letters. The names of the owners and occupiers of the adjoining lands should also be written upon the map. The map and description should refer to each other by numbers. Lands situated in different parishes should be distinguished on the map, and entered separately in the description.

14. The tithe maps are lodged in the Map Department of the Copyhold Inclosure and Tithe Commission, No. 3, St. James's-square, S. W., under the charge of Lieutenant-Colonel Leach, R. E., the head of that department. Correct copies of these maps may be obtained on application at that office, at a small cost‡.

\* The expense will be after the rate of two guineas per diem, and personal expenses.

† Blank schedules of parcels may be obtained at the office, to be filled up by the applicant.

‡ The costs of tracings of ordinary rural districts varies from 1s. to 2s. 6d. per 100 acres. If the tracing embraces a town or large village, or the area is small, an addition to this charge will be made in proportion to the increased labour of the draftsman.

If there be no map available of the property, it will be necessary that one should be prepared. It will be desirable, in all cases, with reference to the map of the property, to seek the advice and assistance of Colonel Leach, both on the ground of economy and accuracy.

#### *Surveys and Notices.*

15. It is necessary that the correctness of the boundaries of the property proposed to be registered, and the accuracy of the map and description of the property, should be carefully ascertained, to avoid encroachment upon the lands of adjoining owners. For this purpose, the assistance of the Map Department of the Copyhold Inclosure and Tithe Commission has been obtained, and the map and description furnished by the applicant will be sent to that department, where they will be examined, under the direction of Colonel Leach, to ascertain that they correspond with each other, and accurately represent the property\*.

16. Except in cases where the registrar shall think such a course unnecessary, a person will be sent to the property itself, to verify the boundaries, and to ascertain that they are accurately defined upon the map; and, in that case, it will be necessary that the applicant should provide some intelligent person, well acquainted with the property, to accompany the person making such investigation†. And to afford the owners and occupiers of adjoining lands the opportunity of protecting themselves against encroachments, notice will be required to be given to them of such investigation, that they may attend to assist in verifying boundaries, and to give any necessary information; and notice will also be required to be given to the principal tenants or occupiers of the lands forming the boundaries of the property proposed to be registered. The notices should be prepared by the applicant, and, after being settled in this office, and stamped with its seal, should be served by him‡. Not less than three clear days' notice should be given.

17. If the service be personal, it should be proved by an affidavit or statutory declaration, which should also contain a statement that the persons served are in fact the adjoining owners and occupiers, and the principal tenants and occupiers of the boundary lands. If the service be through the post-office, it should be made by registered letters, and in such case there should be an affidavit or declaration verifying the names and addresses of the persons to be served, and the fact that they fill the characters represented; and open envelopes, duly addressed, and containing stamped notices, should be left at this office for postage, together with the amount of such postage.

18. If there should be any doubt as to who should be served with these notices, or if the persons should be very numerous, or there should be any other difficulty, the registrar will, on application to him, give the necessary directions for the service.

\* The expense of this will be after the rate of 2s. 6d. per hour, according to the time actually occupied. The time required will probably vary from a few hours to two or three days, according to the degree of care and accuracy with which the documents have been prepared by the applicant, and the extent and character of the property.

† The charge of the person making the investigation will not exceed the rate of one guinea per diem, and his actual travelling expenses. The time occupied will depend upon the character, extent, and intricacy of the property, the distance travelled to the locality, the completeness of the documents furnished, the diligences used by the parties interested, and the facilities and information afforded to the person employed. A compact rural property of 500 acres should not, under ordinary circumstances, occupy more than one or two days.

‡ Blank forms of these notices may be obtained at this office. See 40th and 42nd Orders.

#### *Particulars required by the 7th Section of the Act.*

19. As soon as the registrar is satisfied with the title to the land, and the description and map have been settled and approved in draft, the particulars required by the 7th section should be furnished by the applicant, viz.—

1st. The "exact description of the lands."

This should be prepared from the draft description, as the same shall have been previously settled by the before-mentioned investigation, and should in form consist of a general description of the property, with reference to the map for the identification of the particular closes, &c. of which the property is composed.

2nd. "A statement of the persons or classes, or descriptions of persons (if any), that are or may become entitled, and of the estates, &c."

This statement should contain the particulars as the same appear from the investigation of the title, and are admitted by the applicant; or if any questions arising with reference thereto have been previously decided, then according as the same shall have been so decided.

3rd. "A statement of the mortgages, &c."

This statement should contain the mortgages, &c. as they appear from the investigation of title, and are admitted or have been decided to exist.

20. In the simple case of the applicant being the owner in fee, the particulars may be in the following form:—

#### *Particulars under the 7th Section of the Act. Land Registry.*

In the matter of the act of the 25 & 26 Vict. c. 53; and of the application of —, of —, in the county of —.

The following are the particulars required by the 7th section of the above-mentioned act to be furnished to the registrar:—

First, "description of the lands to be registered."

All those hereditaments known as —, in the parish of —, in the county of —, containing by admeasurement —, in the tenure or occupation of —, and more particularly described and delineated, with the boundaries thereof, in the map deposited by the said — in the Office of Land Registry, as part of the description of the same hereditaments, and therein coloured —; together with the mines and minerals under, and the rights and easements belonging to, the same hereditaments.

Secondly, "statement of the persons, &c."

The said — is entitled to the before-mentioned hereditaments for an estate of inheritance in fee-simple in possession, subject only to the incumbrance hereinafter mentioned.

Thirdly "statement of the mortgages, &c."

The before-mentioned hereditaments are subject to a mortgage in fee, made by deed dated the — day of —, by which the same were conveyed to —, of —, to secure the sum of £— and interest, and which said sum, with some interest thereon, is now due to the said —.

21. If the registrar shall not acquiesce in the particulars furnished, he will make such alterations therein as he shall think proper, and in that case, if the applicant shall object to the same, the course of proceeding is pointed out by the 7th section of the act, and the 13th of the General Orders.

22. A fair copy of the map as approved, with a terrier containing the names and area, &c. of the several closes written on the margin thereof, will be prepared



at the Office of the Copyhold Inclosure and Tithe Commission for deposit by the applicant in this office, as part of the description of the property. Such fair copy map, will, unless materially altered, in consequence of claims made after the advertisement of the intention to register the property, so as to render a fresh copy necessary, ultimately be permanently deposited in this office as part of the description of the property<sup>o</sup>.

#### *Advertisements and Service of Copies.*

23. The notice to be advertised of the intended registration will be prepared by the applicant. The form of this notice is pointed out by the 11th and 12th sections of the act†.

24. This notice, when prepared, should be settled by the registrar, who will direct in what papers it shall be advertised. The Order directing advertisement in *The London Gazette* has been rescinded. The advertisement of the notice should be proved by the production of the newspapers containing the same. The notices for service, and the parties on whom such service is to be made, and the mode of service, will also be settled by the registrar on application to him for that purpose‡.

25. Tracings of the boundaries of the property, so far as they affect the respective adjoining owners and occupiers, will in most cases be required to be attached to the notices served on them. The tracings will be prepared at the office of the Tithe Commission‡. The notices will be served and verified in the manner pointed out in paragraph 17.

26. Notice of the intention to register will be required to be given also to the tenants and incumbancers of the property§, and to be settled, served, and verified in like manner as the other notices before provided for.

27. The mode of making objections to or claims on registration is pointed out by the 17th and 18th of the General Orders and the 13th section of the act. (See also the forms of objections and claims annexed to the General Orders).

#### *Objections to Registration.*

28. If any objection or claim with reference to the registration shall be lodged in this office, notice thereof will be given to applicant's solicitor.

#### *Reference to Court.*

29. If any question is referred to the Court, the mode of proceeding is pointed out by the 134th section of the act.

#### *Searches.*

30. When the title is ready to be entered on the register, such searches for judgments, &c. will have to be made as the examiner of title shall have advised, and as the registrar shall think right. These searches will be made by a person appointed by the registrar for such purpose. The charge of such person for making the searches must be paid by the applicant, and will be the ordinary charge made by a solicitor for such work. The amount will be settled by the registrar if the parties differ.

\* The cost of maps on mounted paper, proper for this purpose, varies from 1d. to 2d. per acre; but if the map embraces a town or large village, or is of house property, or the area is small, an addition to these charges would be made in proportion to the increased labour of the draftsman; and in cases of extraordinary or unforeseen difficulty, it is possible that charges somewhat larger than those previously mentioned may have to be made.

† Blank forms of these notices may be obtained at this office.

‡ As to costs of tracings, see note to paragraph 14.

§ Forms may be obtained at this office.

#### *Generally.*

31. It is impossible to give general directions which shall apply to all cases, but the assistance of this office with reference to the preparation and service of notices, and any other matter affecting the registration, will at all times be readily afforded.

#### *Registration by Solicitors in the Country.*

32. The registration of titles may be effected by solicitors in the country by correspondence with this office. It is obvious, however, that there may be occasions, in the course of the examination of a title, when personal communication with the solicitor will be necessary, and in such cases the attendances of the solicitor will be required.

#### *AS TO TITLES NOT INDEFEASIBLE.*

33. The form of application for registration without an indefeasible title will be the same as that of the application for registration with an indefeasible title, *mutatis mutandis*<sup>o</sup>. The evidence required by the 25th section of the act, and any other evidence, by means of which the applicant purposes to satisfy the registrar of his title to be registered, should be lodged in this office. The before-mentioned provisions for ascertaining and identifying the lands will be applicable. No advertisements, however, of the intention to register will be necessary. It may be observed, with respect to applications for registration without an indefeasible title, that the registrar, in defining the period at which an indefeasible title shall arise, must be guided by the length of time during which the applicant shall shew that he has, or those through whom he claims have, been in possession as owner or owners in fee-simple.

#### *AS TO LEASEHOLD ESTATES.*

34. The mode of proceeding for the registration of the title to leasehold estates will be the same as that before pointed out as to registration of indefeasible titles. As, however, no indefeasible title will extend to the lessor or grantor, it will not be necessary to deduce such last-mentioned title. The notice required by the 19th of the General Orders to be given to the lessor or grantor, or his representatives, should be prepared and served, and the service thereof proved in like manner as the other notices before provided for.

#### *BOOKS RECEIVED.*

Bacon's Guide to American Politics, or a Complete View of the Fundamental Principles of the National and State Governments, with the respective Powers of each. 94 pp., 12mo.—Shaw & Son.

Letters by Historicus, on some Questions of International Law. Reprinted from *The Times*, with considerable Additions. 212 pp., 8vo.—Butterworths.

#### *Imperial Parliament.*

HOUSE OF COMMONS.—Monday, Feb. 23.

##### *THE LAW OF LUNACY.*

Mr. Butt asked the Secretary of State for the Home Department whether his attention had been called to the recent case of *Hall v. Semple*, in the Court of Queen's Bench, and whether it was his intention to propose any alteration in the law relating to certificates required in cases of alleged insanity.

Sir G. Grey said that the case in question did not, in his opinion, or that of the Lunacy Commissioners, disclose any necessity for the alteration of the law.

\* Forms of application for registration may be obtained at this office.

**JURIDICAL SOCIETY.**—The anniversary meeting of this society took place at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 23rd February. In the unavoidable absence of the Lord Chancellor (the president of the society) and of Lord Stanley, who was expected to preside, the chair was taken by Mr. Joshua Williams. The society then proceeded to elect its officers for the ensuing year, after which an able address was delivered by the chairman on its present state and prospects, who, among other things, adverted to the discussions that had recently taken place in it on several important questions of international law, and also on the treatment of criminals. Mr. Westlake, Mr. C. Hake, Mr. Clerk, the Hon. R. Bourke, and Mr. W. M. Best having adverted to certain subjects likely to be brought before the society during the ensuing year, the meeting adjourned.

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this society took place at its rooms, 3, Waterloo-place, Pall-mall, on Monday, Feb. 16; Henry G. Allen, Esq., in the chair. Mr. Serjeant Woolrych read a paper on "The European Conventions with respect to Domicil." After some observations by Mr. Charles Clark and the chairman, a discussion followed upon the Report of the Special Committee on the "Marriage Laws of the United Kingdom." Mr. Hastings moved that the Report of the Committee be adopted. The motion was seconded by Mr. Clark, and, after some observations by the Hon. Arthur Kinnaird, M.P., Mr. Teulon, Mr. Rosher, Mr. Palmer, and Mr. Lefevre, unanimously carried.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—Zachariah Mellor, of Rochdale, Lancashire, in and for the county of Lancaster; William Bevan, of No. 6, Old Jewry, in the city of London, in and for the city of London, also in and for the county of Middlesex, and the city and liberties of Westminster; Frederick Sharpley, of Louth, Lincolnshire, in and for the parts of Lindsey, in the county of Lincoln; James Samuel Bourne, of Dudley, Worcestershire, in and for the county of Worcester; James Powell, of Pocklington, Yorkshire, in and for the East Riding of the county of York; George Bailey, of Luton, Bedfordshire, in and for the county of Bedford; Alfred Alderson, of Eckington, Derbyshire, in and for the county of Derby; Edward Hillman, of Lewes, Sussex, in and for the county of Sussex; Charles Hamilton, of Emsworth, Hampshire, in and for the county of Hants; Charles Alexander Adamson, of North Shields, Northumberland, in and for the county of Northumberland; Harry James Davis, of Leicester, in and for the county of Leicester; and Andrew Tucker, of Charmouth, Dorsetshire, in and for the county of Dorset.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed Henry Wing, Gent., of Nottingham, to be a Commissioner to administer oaths in the High Court of Chancery in England.

The Supreme Court of New South Wales has appointed William Chubb, Gent., of No. 14, South-square, Gray's-inn, London, in the county of Middlesex, a Commissioner of that Court for taking affidavits and examining witnesses, at law or in equity, in all proceedings pending or to arise in the said Court.

The Solicitors' Journal of the 14th February, 1863, says that in the case of Mr. C. B. Claydon, who was disbarred last year by the Benchers of Lincoln's-inn (8 Jur., N. S., part 2, p. 134), the judges have, on appeal, confirmed the decision of the Benchers.

- LEWIS, THOMAS PHILIP**, Manchester, licensed victualler, March 8, Manchester. Off. Ass. Pott; Sol. Law, Manchester.—Pet. f. Feb. 16.
- LINNELL, WILLIAM**, Stratford-upon-Avon, Warwickshire, shoemaker, March 18, Birmingham. Off. Ass. Kinnear; Sols. Hobbs & Co., Stratford-upon-Avon; James & Co., Birmingham.—Pet. f. Feb. 25.
- LISTER, GEORGE**, Horbury-bridge, near Wakefield, Yorkshire, beer-house keeper, March 11, Wakefield. Off. Ass. Mason; Sol. Harle, Leeds.—Pet. f. Feb. 21.
- M'CULLA, JOHN**, Birkenhead, Cheshire, provision dealer, March 12, Liverpool. Off. Ass. Turner; Sol. Blackhurst, Liverpool.—Pet. f. Feb. 25.
- MARTIN, ALEXANDER**, Southampton, plumber, March 18, Southampton. Off. Ass. Thorndike; Sol. Mackay, Southampton.—Pet. f. Feb. 23.
- MEAKIN, GEORGE ROUSELL**, Birmingham, out of business, April 13, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Feb. 24.
- MILES, THOMAS**, Newland, near Colisford, Gloucestershire, farmer, March 13, Bristol. Off. Ass. Acraman; Sol. Henderson, Bristol.—Pet. f. Feb. 23.
- MORGAN, DAVID**, Brunswick-place North, Sussex, physician, March 18, Brighton. Off. Ass. Everhed; Sol. Goodman, Brighton.—Pet. f. March 21, 1863.
- NAUL, THOMAS**, Leamington Priory, Warwickshire, licensed victualler, March 9, Warwick. Off. Ass. Tibbitts; Sol. Sherwood, Leamington Priory.—Pet. f. Feb. 17.
- NICHOLSON, THOMAS**, St. Bees, Cumberland, printer, March 13, Whitehaven. Off. Ass. Hodgkin; Sol. Paltson, Whitehaven.—Pet. f. Feb. 24.
- OWEN, MARY**, Welchpool, Montgomeryshire, spinster, March 11, Welchpool. Off. Ass. Harrison; Sol. Jones, Welchpool.—Pet. f. Feb. 24.
- PRICE, THOMAS**, Brecon, plumber, March 13, Bristol. Off. Ass. Acraman; Sols. Eve, Brecon; Nash, Bristol.—Pet. f. Feb. 23.
- RAYNER, ROBERT**, Redenhall-with-Harleston, Norfolk, innkeeper, March 13, Redenhall-with-Harleston. Off. Ass. Fox; Sol. Gudgeon, Stowmarket.—Pet. f. Feb. 25.
- RIX, CHARLES**, Felstead (and not Gelstead, as before advertised), Essex, baker, March 7, Braintree. Off. Ass. Cunningham; Sol. Cardinali, Halstead.—Pet. f. Feb. 4.
- ROSLING, GEORGE WESTMORELAND**, Sutton St. Mary, Lincolnshire, machineman, March 16, Holbeach. Off. Ass. Caparn; Sol. Mossop, Sutton St. Mary.—Pet. f. Feb. 21.
- ROYBOULD, JOHN**, Dudley, Worcestershire, boiler maker, March 14, Dudley. Off. Ass. Walker; Sol. Corles, Worcester.—Pet. f. Feb. 23.
- SERVICK, CHARLES GREY**, Sunderland, Durham, shipbroker, March 13, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. Feb. 23.
- SHARP, THOMAS**, Barrow, Lancashire, beer-house keeper, March 23, Ulverston. Off. Ass. Poetlethwaite; Sol. Relph, Soutergate, Ulverston.—Pet. f. Feb. 24.
- SHELLARD, WILLIAM HENRY**, Pontypool, Monmouthshire, bootmaker, March 13, Bristol. Off. Ass. Acraman; Sols. Greenway & Co., Pontypool; Bevan & Co., Bristol.—Pet. f. Feb. 24.
- USHERWOOD, STEPHEN**, Horsmonden, Kent, March 13, Tunbridge Wells. Off. Ass. Alleyne.—Adj. Feb. 19.
- WALKER, CHARLES**, Tenbury, Worcestershire, provision dealer, March 14, Tenbury. Off. Ass. Norris; Sol. Prestow, Tenbury.—Pet. f. Feb. 19.
- WARNER, DANIEL**, Leicester, miller, March 14, Leicester. Off. Ass. Angnam; Sol. Haxby, Leicester.—Pet. f. Feb. 21.
- WHITAKER, JOHN**, Ridgway, Derbyshire, tailor, March 17, Chesterfield. Off. Ass. Wake; Sol. Busby, Chesterfield.—Adj. Feb. 12.
- WILDE, WILLIAM**, Hartlepool, Durham, sergeant of the Durham artillery militia, March 17, Hartlepool. Off. Ass. Child; Sol. Marshall, West Hartlepool.—Pet. f. Feb. 20.
- WILES, HENRY MITCHELL**, Brighton, shoeing smith, March 18, Brighton. Off. Ass. Everhed; Sol. Goodman, Brighton.—Pet. f. Feb. 21.
- WILLIAMS, HESTER**, Cheltenham, Gloucestershire, out of business, March 11, Cheltenham. Off. Ass. Gale; Sol. Boodle, Cheltenham.—Pet. f. Feb. 20.
- WILLIAMS, JAMES**, Swindon, Wiltshire, greengrocer, March 14, Swindon. Off. Ass. Townsend; Sol. Rawlings, Melksham.—Pet. f. Feb. 24.
- WILSON, ROBERT**, Clewer, Berkshire, chimney sweeper, March 7, Windsor. Off. Ass. Darvill; Sol. Barrett, Eton, Buckinghamshire.—Pet. f. Feb. 21.
- WINTER, THOMAS**, Hereford, butcher, March 17, Hereford. Off. Ass. Reynolds; Sol. Garrod, Hereford.—Pet. f. Feb. 25.
- WITHERS, JOHN**, Birmingham, jeweller, March 13, Birmingham. Off. Ass. Kinnear; Sols. James & Co., Birmingham.—Pet. f. Feb. 23.
- WOOD, JAMES**, Carlton, Nottinghamshire, lace manufacturer, March 24, Nottingham. Off. Ass. Harris; Sols. Cowley & Co., Nottingham.—Pet. f. Feb. 24.

#### BANKRUPTCIES ANNULLED.

**BEST, JOHN WALSH**, Edgworth, near Bolton, Lancashire, architect.  
**BROWN, WILLIAM**, New Pye-street, Westminster, general dealer.

#### PARTNERSHIP DISSOLVED.

**CARNELL, JOHN; GORHAM, WILLIAM; and WARNER, GEORGE D.**, Tunbridge, Kent, attorneys and solicitors, so far as regards John Carnell.

#### TUESDAY, March 3.

#### BANKRUPTS.

To be heard in London.

**ADAMS, SAMUEL**, Aberystwith-terrace, Hoxton, hosier, March 16. Off. Ass. Edwards; Sols. Davidson & Co., 22, Basinghall-street.—Pet. f. Feb. 20.

**APLIN, JOHN**, Rutland-street, Pimlico, out of business, March 10. Off. Ass. Graham; Sol. Weatherfield, 35, Moorgate-street.—Pet. f. Feb. 26.

**AUSTIN, FRANCES**, Charles-street, Berkeley-square, domestic servant, March 17. Off. Ass. Cannan; Sols. Robinson & Co., 36, Jermyn-street.—Pet. f. Feb. 28.

**BRAKE, CHARLES JAMES**, Millman-street, Bedford-row, stationer, March 19. Off. Ass. Graham; Sol. Edwards, 22, Lincoln's-inn-fields.—Pet. f. Feb. 28.

**BRETT, DANIEL**, Wells, Norfolk, miller, March 17. Off. Ass. Cannan; Sols. Garwood, Wells; Clowes & Co., 10, King's Bench-walk, Temple.—Pet. f. Feb. 28.

**BROWN, HERBERT**, Upper Ebury-street, Pimlico, and Charlwood-street, Vauxhall-bridge-road, clockmaker, March 19. Off. Ass. Graham; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. Feb. 25.

**BRYON, GEORGE**, Crosier-street, Lambeth, March 19. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

**BUTCHER, THOMAS BRYANT**, Newbury-place, Maldon-road, Kentish-town, shoe dealer, March 19. Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Feb. 24.

**CASPER, CHARLES GROSS**, Aldershot, Hampshire, fishmonger, March 17. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

**DEAN, JAMES**, Asylum-road, Surrey, bricklayer, March 17. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 26.

**DODGE, RICHARD DEACON**, Devonshire-terrace, Kingsland, commercial traveller, March 19. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 26.

**GRAHAM, GEORGE**, and **GRAHAM, GEORGE ISAAC**, Wandsworth-road, South Lambeth, statutory messons, March 16. Off. Ass. Edwards; Sol. Cooper, Charing-cross.—Pet. f. Feb. 24.

**HANKINS, JOHN**, Lugwardine, near Hereford, commission agent, March 17. Off. Ass. Stansfield; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

**HARPER, ALGERNON HILTON**, Belgrave-street South, Pimlico, merchant's clerk, March 16. Off. Ass. Edwards; Sol. Rhodes, 2, Church-court, Clement's-lane.—Pet. f. Feb. 25.

**HICKS, WILLIAM GRISDALE**, Bridge-terrace, Harrow-road, out of employ, March 16. Off. Ass. Edwards; Sol. Herring, 17, Stafford-road, Marylebone-road.—Pet. f. Feb. 26.

**HONEYMAN, ALEXANDER**, Hereford, builder, March 18. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

**HULL, GEORGE**, Chelsea-mews, Bedford-square, cab proprietor, March 17. Off. Ass. Stansfield; Sol. Olive, 47A, Portsmouth-street, Lincoln's-inn-fields.—Pet. f. Feb. 26.

**HUSBAND, ELIZABETH**, Finchley-road, St. John's Wood, of no occupation, March 19. Off. Ass. Graham; Sols. Walter & Co., 8, Southampton-street, Bloomsbury.—Pet. f. Feb. 25.

**ISAACSON, EDWARD THOMAS**, Cambrian-villas, Richmond, monetary agent, March 16. Off. Ass. Edwards; Sol. Poole, 58, Bartholomew-clo.—Pet. f. Feb. 27.

**JOHN, EDWARD WILLIAM**, St. Paul's-road, Camden-town, clerk in the inland Revenue Office, March 16. Off. Ass. Edwards; Sols. Ody & Co., 3, New Bowtell-court.—Pet. f. Feb. 23.

**KOSKIELLY, FREDERICK ALBERT**, Blandford-street, Manchester-square, wine merchant, March 17. Off. Ass. Cannan; Sol. Lewis, 22, Great Marlborough-street.—Pet. f. Feb. 26.

**LAKE, WILLIAM HARRIS**, West Hoathly, Sussex, farmer, March 19. Off. Ass. Graham; Sols. Pearless & Co., East Grinstead; Smith & Co., 3, Basinghall-street.—Pet. f. Feb. 26.

**LEWIN, GEORGE**, Harrington-street, Hampstead-road, commercial clerk, March 17. Off. Ass. Stansfield; Sol. Hill, 48, Basinghall-street.—Pet. f. Feb. 27.

**MEX, GEORGE OWEN**, Wharton-street, Pentonville, out of business, March 16. Off. Ass. Edwards; Sols. Linklaters & Co., 7, Wallbrook.—Pet. f. Feb. 26.

**MISKIN, EDWARD**, Maidstone, Kent, out of business, March 17. Off. Ass. Stansfield; Sols. Morgan, Maidstone; Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. Feb. 26.

**MURPHY, EDWARD WILLIAM**, Cumberland-street, Bryanston-square, doctor of medicine, March 17. Off. Ass. Stansfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Feb. 26.

**PATTON, JOHN**, High-street, Poplar, master mariner, March 17. Off. Ass. Stansfield; Sols. Roberts & Co., 15, Bucklersbury.—Pet. f. Feb. 28.

**RUSHTON, HENRY**, Northampton-road, Clerkenwell, chenille net manufacturer, March 17. Off. Ass. Graham; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. Feb. 24.

**SMITH, DANIEL**, Sloane-street, Chelsea, surgeon, March 16. Off. Ass. Edwards; Sols. Nichols & Co., 9, Cook's-court, Lincoln's-inn.—Pet. f. Feb. 20.

**SMITH, THOMAS**, Birch-in-lane, and Woburn-place, Russell-square, gentleman, March 17. Off. Ass. Stansfield; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. Feb. 23.

**STRATTON, JOHN GEORGE**, Bessborough-street, Pimlico, manager of the Family Life Insurance Society, March 17. Off. Ass. Cannan; Sol. Parsons, 43, Basinghall-street.—Pet. f. Feb. 26.

**TRANICKE, CHARLES JOSEPH**, Clifton-villas, Camden-square, Camden-town, assistant at the British Museum, March 17. Off. Ass. Graham; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. Feb. 23.

**WALKER, ROBERT FLEETWOOD**, Great Tower-street, City, merchant, March 17. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Feb. 21.

**WEATHERLEY, FREDERICK**, Woolsey-terrace, Kentish-town, out of business, March 17. Off. Ass. Graham; Sol. Sibley, 54, Doughty-street, Mecklenburgh-square.—Pet. f. Feb. 27.

**WELLS, GONFREY**, Hadleigh, Suffolk, innkeeper, March 19. Off. Ass. Graham; Sol. Jones, Colchester.—Pet. f. Feb. 26.

**WILLIAMS, THOMAS**, Hereford-terrace, Baywater, out of business, March 17. Off. Ass. Cannan; Sols. Treherne & Co., 17, Gresham-street.—Pet. f. Feb. 26.

**WOODS, WILLIAM**, Great Yarmouth, fish merchant, March 17. Off. Ass. Cannan; Sols. Chamberlain, Great Yarmouth; Storey, 6, King's-road, Bedford-row.—Pet. f. Feb. 20.

**WRAMPE, ERNEST JOHN AUGUSTUS**, Vincent-terrace, River-terrace, Islington, commission agent, March 16. Off. Ass. Edwards; Sol. Feverley, 19, Coleman-street.—Pet. f. Feb. 25.

### To be heard in the Country.

**AARON, JACOB**, Birmingham, out of business, March 13, Birmingham. Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. f. Feb. 27.

**BAINES, JOHN**, Wiston, near Selby, Yorkshire, shoemaker, March 23, Selby. Off. Ass. Newstead.—Adj. Feb. 23.

**BELLAMY, JOHN**, Market Harborough, Leicestershire, servant, March 24, Market Harborough. Off. Ass. Wartsaby; Sol. Rawlins, Market Harborough.—Pet. f. Feb. 28.

**BIBBY, GEORGE**, Preston, Lancashire, licensed victualler, March 17, Manchester. Off. Ass. Herniman; Sol. Gardner, Manchester.—Adj. Feb. 12.

**BILLINGTON, CHARLES**, Bucknall, Staffordshire, beer-house keeper, March 21, Hanley. Off. Ass. Challinor; Sols. Tennant & Co., Hanley.—Pet. f. March 2.

**BINKS, WILLIAM**, Lower Broughton, Lancashire, commission agent, March 17, Manchester. Off. Ass. Pott; Sol. Gardner, Manchester.—Adj. Feb. 19.

**BRADNEY, WILLIAM**, Birmingham, out of business, March 13, Birmingham. Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. f. Feb. 26.

**BRASIER, JAMES**, Wolverhampton, gun-lock manufacturer, March 18, Birmingham. Off. Ass. Kinnear; Sols. Hawkesford, Wolverhampton; Hodgson & Co., Birmingham.—Pet. f. Feb. 26.

**BROWN, JAMES**, Biddulph, Staffordshire, miner, March 14, Congleton. Off. Ass. Latham; Sol. Washington, Congleton.—Pet. f. Feb. 28.

**CHAPLIN, JEREMIAH**, Norwich, sawyer, March 14, Norwich. Off. Ass. Palmer; Sol. Atkinson, Norwich.—Adj. Feb. 18.

**COOPER, JOSEPH**, Hyde, Cheshire, innkeeper, March 17, Manchester. Off. Ass. Fraser; Sols. Brooks & Co., Manchester.—Pet. f. Feb. 26.

**CROFT, EDWARD SPENCER**, Bolton, Lancashire, letter-press printer, March 18, Bolton. Off. Ass. Holden; Sol. Edge, Bolton.—Pet. f. Feb. 28.

**DAVIES, THOMAS**, Hereford, blacksmith, March 17, Hereford. Off. Ass. Reynolds; Sol. Garrod, Hereford.—Pet. f. Feb. 25.

**FALKNER, JAMES**, Hanley, Staffordshire, greengrocer, March 21, Hanley. Off. Ass. Challinor; Sols. Tennant & Co., Hanley.—Pet. f. March 2.

**FERNIS, THOMAS**, King's Norton, Warwickshire, out of business, April 13, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Feb. 25.

**FRANKLIN, JOHN THOMAS**, Yaxley, Huntingdonshire, grocer, March 21, Peterborough. Off. Ass. Gaches; Sol. Rutland, Peterborough.—Pet. f. Feb. 27.

**GARGETT, WILLIAM**, Manchester, stay manufacturer, March 13, Manchester. Off. Ass. Pott; Sol. Swan, Manchester.—Pet. f. Feb. 28.

**GARRIDE, JOSEPH**, Huddersfield, Yorkshire, coal dealer, March 23, Huddersfield. Off. Ass. Jones; Sol. Haigh, Huddersfield.—Adj. Dec. 20.

**GASKELL, JAMES**, Warrington, Lancashire, engine driver, March 16, Warrington. Off. Ass. Nicholson; Sols. Bent & Co., Warrington.—Pet. f. Feb. 25.

**GEORGE, ALFRED**, Bishopwearmouth, Durham, fishmonger, March 13, Bishopwearmouth. Off. Ass. Marshall; Sol. M' Rae, Sunderland.—Pet. f. Feb. 20.

**GREAVE, FRANCIS**, Workshop, Nottinghamshire, corn miller, March 14, Sheffield. Off. Ass. Young; Sol. Fernel, Sheffield.—Pet. f. Feb. 25.

**GRIFFITHS, ISAAC NORTON**, Norwich, pattern and mould maker, March 14, Norwich. Off. Ass. Palmer; Sol. Atkinson, Norwich.—Adj. Feb. 18.

**HARDWICK, WILLIAM**, Preston, Lancashire, maltster, March 17, Manchester. Off. Ass. Fraser; Sol. Gardner, Manchester.—Adj. Feb. 12.

**HARRIS, JAMES**, Livesey, near Blackburn, Lancashire, innkeeper, April 2, Manchester. Off. Ass. Fraser; Sol. Gardner, Manchester.—Adj. Feb. 12.

**HARPER, JOSEPH**, Kempsey, Worcestershire, bricklayer, March 27, Worcester. Off. Ass. Hill; Sol. Corles, Worcester.—Pet. f. Feb. 21.

**HARRISON, JOSEPH**, Bury, Lancashire, clog maker, March 18, Bury. Off. Ass. Grundy; Sol. Anderton, Bury.—Pet. f. Feb. 25.

**HARRISON, WILLIAM**, Birmingham, out of business, April 13, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Feb. 25.

**HELBET, GEORGE**, Warrington, Lancashire, wheelwright, March 16, Warrington. Off. Ass. Nicholson; Sol. Bent.—Pet. f. Feb. 25.

**HEPPENSTALL, HENRY**, Kingston-upon-Hull, painter, March 13, Hull. Off. Ass. Phillips; Sol. Chester, Hull.—Pet. f. Feb. 27.

**HILLS, GEORGE**, Bedford, out of business, March 14, Bedford. Off. Ass. Hinrich; Sol. Shepherd, Luton.—Pet. f. Feb. 27.

**HILTON, WILLIAM**, Oldham, Lancashire, innkeeper, April 2, Manchester. Off. Ass. Pott; Sol. Gardner, Manchester.—Adj. Feb. 12.

**HINDLE, JAMES**, Blackburn, Lancashire, licensed victualler, March 20, Manchester. Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. Feb. 21.

**HODGINS, WALTER**, Burghill, Herefordshire, carpenter, March 17, Hereford. Off. Ass. Reynolds; Sol. Bodenham, Hereford.—Pet. f. Feb. 27.

**HODGSON, WILLIAM**, Hulme, Lancashire, butcher, March 14, Salford. Off. Ass. Hulton; Sol. Eltoft, Manchester.—Pet. f. Feb. 26.

**HOPES, JAMES**, and **HOPES, JOHN**, Snitterfield, Warwickshire, farmers, March 16, Stratford-upon-Avon. Off. Ass. Hobbes; Sol. Hobbes, Stratford-upon-Avon.—Pet. f. March 2.

**HOYLE, GEORGE RATCLIFFE**, Bury, Lancashire, commercial traveller, March 18, Bury. Off. Ass. Grundy; Sol. Anderton, Bury.—Pet. f. Feb. 26.

**JONES, WILLIAM**, Abergell, Denbighshire, publican, March 20, St. Asaph. Off. Ass. Sisson; Sol. Louis, Ruthin.—Pet. f. Feb. 27.

**KAY, DAVID**, Sheffield, brewer's traveller, March 18, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. Feb. 27.

**KELBALL, WILLIAM**, Liverpool, fish curer, March 16, Liverpool. Off. Ass. Morgan; Sol. Husband, Liverpool.—Pet. f. Feb. 26.

**KILBURN, JOHN**, Dalton, Yorkshire, fancy manufacturer, March 23, Huddersfield. Off. Ass. Jones; Sol. Sykes, Huddersfield.—Pet. f. Feb. 24.

**KINSON, JOHN**, Coventry, Warwickshire, builder, March 14, Coventry. Off. Ass. Kirby; Sol. Smallbone, Coventry.—Pet. f. Feb. 28.

**KIRKHAM, WILLIAM COWHERD**, Manchester, money scrivener, March 20, Manchester. Off. Ass. Fraser; Sol. Hodgson, Manchester.—Pet. f. Feb. 28.

**LACT, AUGUSTUS DACRE**, Haxby, Yorkshire, out of business, March 23, Leeds. Off. Ass. Carrick; Sols. Walker, York; Bond & Co., Leeds.—Pet. f. Feb. 23.

**LIDDLELOW, HENRY CHRISTMAS RICHES**, Norwich, carpenter, March 14, Norwich. Off. Ass. Palmer; Sol. Atkinson, Norwich.—Adj. Feb. 18.

**M'GREGOR, JOHN**, Great Grimsby, Lincolnshire, licensed victualler, March 20, Great Grimsby. Off. Ass. Daubney; Sol. Summers, Hull.—Pet. f. Feb. 23.

**MEAKIN, GEORGE ROUSELL**, Birmingham, out of business, April 13, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Feb. 24.

**MORRIS, JOSEPH**, Newcastle-upon-Tyne, assistant to an auctioneer, March 21, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Adj. Feb. 23.

**NEWTON, GEORGE**, Leeds, out of business, March 19, Leeds. Off. Ass. Young; Sol. Simpson, Leeds.—Pet. f. Feb. 27.

**NORMAND, AMAND**, Brighton, teacher of languages, March 18, Brighton. Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. Feb. 23.

**OSBALDESTON, THOMAS**, and **OSBALDESTON, WILLIAM**, Preston, Lancashire, drapers, March 14, Preston. Off. Ass. Myres; Sols. Lodge & Co., Preston.—Pet. f. Feb. 29.

**PEDLINGHAM, WILLIAM**, Handsworth, Staffordshire, butcher, April 13, Birmingham. Off. Ass. Guest.—Pet. f. Feb. 13.

**PORTER, EDWARD**, Birmingham, button maker, April 13, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Feb. 26.

**PRATTEY, THOMAS**, Bristol, builder, March 20, Bristol. Off. Ass. Miller; Sol. Henderson, Bristol.—Pet. f. Feb. 27.

**REECE, WILLIAM**, Marshwood, Dorsetshire, farmer, March 18, Exeter. Off. Ass. Hirtzel; Sols. Day, Bridport; Floud, Exeter.—Pet. f. Feb. 28.

**ROBINSON, JOSEPH BAGOT**, Liverpool, professor of music, March 14, Liverpool. Off. Ass. Morgan; Sol. Anderson, Liverpool.—Pet. f. Feb. 26.

**RODGERS, REUBEN**, Norton Bole-hill, Derbyshire, beer-house keeper, March 18, Sheffield. Off. Ass. Wake; Sol. Binney, Sheffield.—Pet. f. March 2.

**SCAIFE, JAMES**, Manchester, beer retailer, March 14, Salford. Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Feb. 25.

**SCOTT, ROBERT**, Worcester, gunsmith, March 27, Worcester. Off. Ass. Hill; Sol. Wilson, Worcester.—Adj. Feb. 17.

**SMITH, THOMAS**, Witton-park, Durham, labourer, March 19, Bishop Auckland. Off. Ass. Trotter; Sol. Thornton, Bishop Auckland.—Pet. f. Feb. 24.

**SOADY, BROOKING**, Staverton, near Ashburton, Devonshire, gentleman, March 18, Exeter. Off. Ass. Hirtzel; Sols. Tucker & Co., Ashburton; Floud, Exeter.—Pet. f. Feb. 28.

**SPIERS, THOMAS**, Liverpool, railway porter, March 13, Liverpool. Off. Ass. Hime; Sol. Cobb, Liverpool.—Pet. f. Feb. 28.

**STACE, WILLIAM GUSTAVUS TEMPLE**, Devonport, Devonshire, lieutenant in her Majesty's Royal Engineers, March 14, Plymouth. Off. Ass. Hirtzel; Sols. Peagam, Plymouth; Willesford, Exeter.—Pet. f. Feb. 27.

**TAYLOR, MARIA**, Meltham, Yorkshire, shopkeeper, March 23, Huddersfield. Off. Ass. Jones; Sol. Learoyd, Huddersfield.—Pet. f. Feb. 24.

**THOMAS, THOMAS BLACKMORE**, Bridgwater, Somersetshire, tailor, March 18, Bridgwater. Off. Ass. Lovibond; Sol. Reed, Bridgwater.—Pet. f. Feb. 28.

**THOMSETT, CEPHAS GREEN**, Leicester, gun maker, March 21, Leicester. Off. Ass. Ingram; Sol. Spooner, Leicester.—Pet. f. Feb. 27.

**WARD, SAMUEL**, Wakefield, Yorkshire, fish dealer, March 23, Leeds. Off. Ass. Carrick.—Pet. f. Feb. 23.

**WELCH, RICHARD**, Birmingham, toll collector, April 13, Birmingham. Off. Ass. Guest.—Pet. f. Feb. 13.

**WELLER, EDWIN DAVID**, Birmingham, baker, April 13, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Feb. 28.

**WILLIAMS, THOMAS**, Mold, Flintshire, out of employment, March 16, Liverpool. Off. Ass. Turner; Sols. Anderson & Co., Liverpool.—Pet. f. Feb. 26.

**WINTERBOTTOM, HENRY**, Manchester, apothecary, March 17, Manchester. Off. Ass. Hernaman; Sol. Southam, Manchester.—Pet. f. Feb. 27.

**WOOD, JOSEPH**, Newcastle-upon-Tyne, wharfingers' clerk, March 21, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Feb. 20.

#### BANKRUPTCY ANNULLED.

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## GAZETTES.—FRIDAY, March 6.

## BANKRUPTS.

## To be heard in London.

- AVERY, THOMAS GEORGE, Staines, Middlesex, fishmonger, March 23. Off. Ass. Stansfeld; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. March 3.
- BEAL, THOMAS, Wigmore-street, Cavendish-square, foreman to a builder, March 24. Off. Ass. Edwards; Sols. Aldridge, 46, Moorgate-street.—Pet. f. March 2.
- BISHOP, GEORGE, Easton-street, Clerkenwell, cab driver, March 24. Off. Ass. Edwards; Sols. Aldridge, 46, Moorgate-street.—Pet. f. March 4.
- BURKETT, GEORGE, Northumberland-terrace, Isleworth, builder, March 24. Off. Ass. Cannan; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. March 2.
- BURKETT, JOSEPH, Wiltchampton-street, Croyley-street, New North-road, Hoxton, plumber, March 23. Off. Ass. Stansfeld; Sols. Drew, 4, New Basinghall-street.—Pet. f. March 2.
- CALVER, JAMES WILLIAM, Walthamstow, Essex, draper, March 24. Off. Ass. Edwards; Sols. Jones, 15, Sixe-lane.—Pet. f. Feb. 23.
- CROOKS, EDMUND SAMUEL, Chigwell, Essex, and Calthorpe street, Gray's-inn-road, schoolmaster, March 19. Off. Ass. Graham; Sols. Buchanan, 1, Walbrooke-buildings.—Pet. f. March 4.
- EVANS, THOMAS, Priory-mews, Kilburn, out of business, March 19. Off. Ass. Graham; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. Feb. 27.
- GOODE, GEORGE, Norwich, shoemaker, March 24. Off. Ass. Edwards; Sols. Hare, 8, Old Jewry.—Pet. f. March 4.
- GUINLE, THEODORE MAINE, Margaret-street, Cavendish-square, and Little Argyll-street, Regent-street, commission agent, March 17. Off. Ass. Stansfeld; Sols. Chappell & Co., 26, Golden-square.—Pet. f. Feb. 28.
- GWYER, JOSEPH LUSH, Bridge-place, Commercial-road, Peckham, coal dealer, March 18. Off. Ass. Edwards; Sols. Marshall, 9, Lincoln's-inn-fields.—Pet. f. March 2.
- JENNINGS, FREDERICK, Wheatthamstead, Hertfordshire, plumber, March 19. Off. Ass. Graham; Sols. Letts, & Bartlett's-buildings; Lowe, St. Albans.—Pet. f. Feb. 28.
- LAWES, JOHN, Providence-buildings, New Kent-road, assistant to a beer-shop keeper, March 24. Off. Ass. Cannan; Sols. Bartley, 4, Bartlett's-buildings, Holborn.—Pet. f. March 2.
- LOTE, HENRY, Greenwich, and Old Broad-street, City, architect, March 24. Off. Ass. Cannan; Sols. Drew, 4, New Basinghall-street.—Pet. f. March 3.
- MOYCE, GEORGE, Brickley-row, Rotherhithe, grocer, March 17. Off. Ass. Stansfeld; Sols. King, 28, College-hill.—Pet. f. March 4.
- MOYCE, JOHN JAMES, Lower Queen-street, Rotherhithe, grocer, March 24. Off. Ass. Cannan; Sols. King, 28, College-hill.—Pet. f. March 3.
- NEWMAN, GEORGE FRANK, Richmond, Surrey, builder, March 16. Off. Ass. Edwards; Sols. Rees, 8, Copthall-court.—Pet. f. Feb. 26.
- OSBY, WILLIAM HENRY, Chiswell-street, Finsbury-square, saddler, March 16. Off. Ass. Edwards; Sols. Grane & Co., 23, Bedford-row.—Pet. f. Feb. 28.
- PAGE, HORATIO, Spring-terrace, Wandsworth-road, dentist, March 24. Off. Ass. Cannan; Sols. Hanslip, 2, John's-street, Bedford-row.—Pet. f. March 4.
- REYNOLDS, WILLIAM, Abingdon, Berkshire, farm bailiff, March 17. Off. Ass. Stansfeld; Sols. Wetherfield, 35, Moorgate-street.—Pet. f. Feb. 18.
- RICKMAN, WILLIAM, King-street, Hammersmith, greengrocer, March 23. Off. Ass. Graham; Sols. Aldridge, 46, Moorgate-street.—Pet. f. March 3.
- ROSS, DANIEL JAMES, Maudes-terrace, Jubilee-street, Mile-end-road, coal merchant, March 24. Off. Ass. Cannan; Sols. Aldridge, 46, Moorgate-street.—Pet. f. March 4.
- ROUSE, JOHN, Shoe lane, waiter at dining-rooms, March 23. Off. Ass. Stansfeld; Sols. Wetherfield, 35, Moorgate-street.—Pet. f. March 4.
- SCOTT, RICHARD, JAMES, John-street, Tottenham-court-road, carver and gilder, March 24. Off. Ass. Edwards; Sols. Godfrey, 5, South-square, Gray's-inn.—Pet. f. March 4.
- SMITH, CHARLES MORTIMER, Singer-terrace, Forest-hill, out of business, March 23. Off. Ass. Stansfeld; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. March 4.
- SMITH, EDWIN MATTHEW, Fairfield-road, Bow, managing clerk to an oil merchant, March 24. Off. Ass. Cannan; Sols. Wright, 2, Paper-buildings, Temple.—Pet. f. March 3.
- TURNER, WILLIAM, Enfield-highway, wheelwright, March 17. Off. Ass. Graham; Sols. Weatherfield, 35, Moorgate-street.—Pet. f. March 2.
- WALLIS, ROBERT BRIMS, Grange-street, New North-road, Hoxton, carpenter, March 23. Off. Ass. Graham; Sols. Aldridge, 46, Moorgate-street.—Pet. f. March 4.
- WATSON, EDWARD MORRIS, Tottenham-court-road, stay dealer, March 24. Off. Ass. Cannan; Sols. Aldridge, 46, Moorgate-street.—Pet. f. March 4.
- WATTS, THOMAS, Admiral-terrace, Vauxhall-bridge road, tobacconist, March 16. Off. Ass. Edwards; Sols. Pullen, 23, Chancery-lane.—Pet. f. March 3.
- WELSH, WILLIAM AUGUSTUS, Fulham-road, Brompton, of no business, March 23. Off. Ass. Stansfeld; Sols. Aldridge, 46, Moorgate-street.—Pet. f. March 3.
- WINFIELD, JOHN, Oakley-crescent, South, King's-road, traveller to a brewer, March 16. Off. Ass. Edwards; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. Feb. 28.
- ZEPHORA, CORNELIUS FELIX, Devonshire-terrace, Notting-hill, dealer in Beda wool, March 17. Off. Ass. Graham; Sols. Baylis, 36, Poultry.—Pet. f. Feb. 27.

## To be heard in the Country.

- ABRAHAM, GEORGE, Luton, Bedfordshire, teacher, March 19, Luton. Off. Ass. Williamson; Sols. Scargill, Luton.—Pet. f. Feb. 21.

- ALLEN, THOMAS, Hereford, licensed victualler, March 20, Birmingham. Off. Ass. Whitmore; Sols. Corles, Birmingham.—Pet. f. March 4.
- BARNES, MARY ANN, Coventry, Warwickshire, March 18, Birmingham. Off. Ass. Kinnear; Sols. Troughton & Co., Coventry; Hodgson & Co., Birmingham.—Pet. f. Feb. 26.
- BENSON, SARAH, Windermere, Westmoreland, boarding-house keeper, March 18, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne.—Adj. Feb. 11.
- BICKLEY, JOHN, Burton-upon-Trent, Staffordshire, in no business, April 13, Burton. Off. Ass. Hubbard; Sols. Barber, Stafford.—Pet. f. Feb. 28.
- BURDETT, EDWARD HORATIO, Little Peatling, near Lutterworth, Leicestershire, ale dealer, March 20, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. March 4.
- BURNISH, HENRY, Salford, Lancashire, cooper, March 21, Salford. Off. Ass. Hulton; Sols. Swan, Manchester.—Pet. f. March 3.
- CLARK, JAMES, Wallend, Northumberland, copper smelter, March 18, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Bush, Newcastle-upon-Tyne.—Pet. f. March 2.
- CLIXBY, HENRY, Sowthorpe, Lincolnshire, labourer, March 18, Gainsborough. Off. Ass. Burton; Sols. Howlett, Kirtou-in-Lindsey.—Pet. f. March 3.
- COTTEILL, EDWIN, Worcester, out of business, March 18, Birmingham. Off. Ass. Kinnear; Sols. Wilson, Worcester.—Pet. f. March 4.
- COTHEBERT, THOMAS, Gainsborough, Lincolnshire, pipe manufacturer, March 18, Gainsborough. Off. Ass. Burton; Sols. Hayes, Gainsborough.—Pet. f. March 2.
- DAVID, CHARLES, Brighton, carpenter, April 1, Brighton. Off. Ass. Evenish; Sols. Bentley, Brighton.—Pet. f. Feb. 28.
- DENTON, JOSEPH, Stoke-upon-Trent, Staffordshire, watchmaker, March 16, Stoke-upon-Trent. Off. Ass. Keary; Sols. Welch, Congleton.—Pet. f. Feb. 27.
- DEVONALD, JOHN, Pembroke Dock, Pembrokeshire, joiner, March 16, Pembroke. Off. Ass. Lanning.—Adj. Feb. 26.
- DEWHURST, JAMES, Southport, Lancashire, butcher, March 13, Ormskirk. Off. Ass. Welby; Sols. Parr, Ormskirk.—Pet. f. Feb. 26.
- DODGSON, SAMUEL, and DODGSON, JOSEPH, Mold-green, near Huddersfield, manufacturing chemists, March 28, Leeds. Off. Ass. Carrick; Sols. Bennett, Halifax; Bond & Co., Leeds.—Pet. f. March 3.
- DORMER, RICHARD, Berkeswell, Warwickshire, farmer, March 18, Birmingham. Off. Ass. Kinnear; Sols. Marshall, Birmingham.—Pet. f. March 4.
- DUNWELL, SAMUEL, Darnall, near Sheffield, potter, March 25, Sheffield. Off. Ass. Wake; Sols. Mason, York and Sheffield.—Pet. f. March 5.
- EDWARDS, THOMAS, Bristol, out of business, March 27, Bristol. Off. Ass. Harley; Sols. Clifton & Co.—Pet. f. March 3.
- FARR, SOPHIAN, Longparish, Southampton, widow, March 16, Andover. Off. Ass. Footner.—Adj. Feb. 21.
- FITCHAM, THOMAS, Shropham, Norfolk, cattle dealer, March 30, Attleborough. Off. Ass. Franklin; Sols. Walpole, Northwold.—Pet. f. March 2.
- FIRBY, GEORGE, Grewelthorpe, Yorkshire, butcher, March 18, Ripon. Off. Ass. Heslop; Sols. Fisher, Masham.—Pet. f. Feb. 28.
- FORRESTER, JAMES DAVID, Chatham, Kent, horse dealer, March 20, Rochester. Off. Ass. Acworth; Sols. Peverley, 19, Coleman-street, City.—Pet. f. March 4.
- FOWLER, GEORGE, Stoke-upon-Trent, Staffordshire, cooper, March 19, Stoke-upon-Trent. Off. Ass. Keary; Sols. Stevenson, Stoke-upon-Trent.
- HALL, THOMAS, Wolstanton, Staffordshire, butcher, March 21, Hanley. Off. Ass. Challinor; Sols. Tennant & Co., Hanley.—Pet. f. March 4.
- HARPER, JOSEPH (and not Harper, as before advertised), Kempsey, Worcestershire, bricklayer, March 27, Worcester. Off. Ass. Hill; Sols. Corles, Worcester.—Pet. f. Feb. 21.
- HELLON, WILLIAM, Carlisle, commission agent, March 17, Carlisle. Off. Ass. Hulton; Sols. Wannon, Carlisle.—Pet. f. March 2.
- HODGKINSON, SAMUEL HUGHES, Hulme, Lancashire, bookkeeper, March 21, Salford. Off. Ass. Hulton; Sols. Aywood, Manchester.—Pet. f. March 3.
- HOWSON, WILLIAM, Durham, blacksmith, March 19, Durham. Off. Ass. Branwell; Sols. Thompson & Co., Durham.—Pet. f. March 3.
- KELKES, CHARLES WM., Liverpool, engineer, March 20, Liverpool. Off. Ass. Morgan; Sols. Husband, Liverpool.—Pet. f. March 4.
- LAXTON, JOHN CHRISTOPHER, Whitlesey, Isle of Ely, tailor, March 21, Peterborough. Off. Ass. Gaches; Sols. Wilders, Whitlesey.—Pet. f. March 2.
- LEE, ALFRED, York, painter, March 18, York. Off. Ass. Perkins; Sols. Mason, York.—Pet. f. March 2.
- LEWIS, RICHARD, Bristol, grocer, March 27, Bristol. Off. Ass. Harley; Sols. Hill.—Pet. f. March 3.
- LONG, EDWARD, Thornbury, Gloucestershire, surgeon, March 20, Bristol. Off. Ass. Miller; Sols. Thurston, Thornbury; Gaisford, Berkeley.—Pet. f. March 2.
- LOOMMORE, JOHN, Bridgend, Glamorganshire, out of business, March 18, Bridgend. Off. Ass. Lewis; Sols. Goodere, Cardiff.—Pet. f. Feb. 27.
- LUXER, JOSEPH, Rummy, near Cardiff, Monmouthshire, farmer, March 18, Cardiff. Off. Ass. Langley; Sols. Ensor, Cardiff.—Pet. f. March 2.
- M'LAFLAN, GEORGE, Liverpool, travelling draper, March 16, Liverpool. Off. Ass. Hime; Sols. Thornley, Liverpool.—Pet. f. March 2.
- MARRIS, JOHN, Norwich, baker, March 18, Norwich. Off. Ass. Palmer; Sols. Foster, Norwich.—Pet. f. March 3.
- MEECH, SAMUEL, Melcombe Regis, Dorsetshire, shoemaker, March 23, Weymouth. Off. Ass. Andrews; Sols. Howard, Weymouth.—Pet. f. March 2.
- MOODY, ALEXANDER ROBERT, Forton, near Gosport, Hampshire, assistant dispenser at the Royal Naval Hospital, March 16, Portsmouth. Off. Ass. the registrar; Sols. Paffard, Portsmouth.—Pet. f. Feb. 28.

[For continuation of Gazette, see p. 90.]



## CONTENTS.

London Gazettes .....	90
Leading Article .....	91
Correspondence:—The Arrangement Clauses of the Bankruptcy Act, 1861 .....	92
Public Examination of Students for Trinity Term, 1863 .....	95
Imperial Parliament .....	96
List of Sheriffs, Undersheriffs, and Deputies for 1863..	97

## NAMES OF THE CASES REPORTED.

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Dickinson v. Teasdale.—(Charge of debts—Express trust—Statute of Limitations—3 & 4 Will. 4, c. 27) .....	237
Ex parte Watts, In re Attwater.—(Bankruptcy— Order and disposition—Lien) .....	238
Pratt v. Bull.—(Court of Probate, registration of order of, in Common Pleas—Bill to make order a charge on land—1 & 2 Vict. c. 110, s. 13—20 & 21 Vict. c. 77, ss. 25, 83) .....	239

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

M'Veagh v. Croll.—(Practice—Production—Credi- tor's suit) .....	240
--	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Bromley v. Williams.—(Mutual insurance club— Illegal association—Bill by one member for con- tribution—Parties—Demurrer) .....	240
--	-----

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

Reeve v. Whitmore.—(After-acquired chattels—Li- cence to seize) .....	243
--	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister-at-Law.

Louis v. Louis and Others.—(Will—Construction— Issue) .....	244
Barnes v. Robinson and Others.—(Real estate—Bill by wife for a settlement—Insolvency of husband) .....	245

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

Gladstone v. The Ottoman Bank.—(Demurrer— Jurisdiction—Foreign Sovereign—Inconsistent grants—Jus moneta) .....	246
--	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

Watson v. Russell.—(Charterparty—Hire of ship payable in advance—Rescission of contract— Privity of contract—Failure of consideration— Money had and received) .....	249
---	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Howarth, App., Coles, Resp.—(Bleaching and dy- ing works—23 & 24 Vict. c. 78—"Finishing") ..	251
---	-----

## EXCHEQUER CHAMBER.

By J. GRANT, Barrister at Law.

Cumberland v. Copeland.—(Copyright—Assignment —Witnesses to—8 Ann. c. 19, s. 1—54 Geo. 3, c. 156, s. 4) .....	253
Bagnall v. The London and North-western Railway Company.—(Railways—Negligent user of sta- tutory powers—Compensation—Mines) .....	254

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Maitland v. Mackinnon and Others.—(Lease—Gen- eral words—Appurtenances) .....	255
Kelcey v. Stupples.—(Costs to abide the event—Arbi- tration—Unsubstantial damages) .....	256
The Attorney-General v. Brackenbury.—(Legacy duty —Superfluous appointment—Will) .....	257

## COURT OF PROBATE.

By DR. MIDDLETON.

Cook and Crapnell v. Lambert.—(Will—Execution —Mark of the testator and signatures of the wit- nesses on a separate paper) .....	258
--	-----

## CROWN CASES RESERVED.

By G. FRANCIS, Barrister at Law.

Reg. v. George Walton and Joseph Ogden.—(De- manding money, &c., with menaces—24 & 25 Vict. c. 96, s. 45—Threatening to enforce pretended legal process—"Intent to steal"—Question for jury) ..	259
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## THE JURIST.

LONDON, MARCH 14, 1863.

ALTHOUGH an assignment of non-existing property, to be acquired at a future time, will at law pass nothing (*Robinson v. Macdonald*, 5 Mau. & S. 228), it has in equity been laid down, by a long series of authorities, that an assignment of such property, if for valuable consideration, is effectual in equity. (*In re Ship Warre*, 8 Price, 269, note; *Curtis v. Auber*, 1 J. & W. 526; *Douglas v. Russell*, 4 Sim. 524; S. C., 1 My. & K. 488; *Langton v. Horton*, 3 Beav. 464; 1 Hare, 549; *Lindsay v. Gibbs*, 22 Beav. 522).

A recent case in the House of Lords (*Holroyd v. Marshall*, 9 Jur., N. S., part 1, p. 213) deserves a most careful perusal; not so much on account of anything novel there laid down, but for the singularly lucid and satisfactory manner in which the Lord Chancellor enunciates the principles by which courts of equity are guided in their decisions with reference to the doctrine of equitable assignments.

In *Holroyd v. Marshall*, it appears that in September, 1858, the appellants were the owners of certain machinery and implements in a mill and buildings,

of which one Taylor had taken a lease. Taylor contracted with the appellants for the purchase of the machinery and implements, at the sum of 5000*l.*, but being unable to pay the money, the appellants, by an indenture of mortgage, dated the 20th September, 1858, assigned the machinery and implements (of which a list and description were contained in a schedule annexed to the mortgage) unto one Brunt, upon trust for Taylor until the appellants should have demanded, in writing, payment of the money due to them; and from and after such demand, upon trust, if Taylor should pay the said sum of 5000*l.*, with interest, to assign the property to Taylor; but if default should be made in payment, upon trust to sell the property, receive the proceeds, and apply the same, after payment of expenses, in discharge of the money due to the appellants, and the surplus to Taylor. The deed contained a covenant by Taylor to insure the property, and also a covenant that *all machinery, implements, and things which, during the continuance of the security, should be fixed or placed in or about the mill and buildings, in addition to, or substitution for, the premises, or any part thereof, should be subject to the trusts, powers, provisoes, and declarations thereinbefore declared and expressed concerning the premises, and that Taylor would, at the request of the*

appellants, do all necessary acts for insuring such added or substituted machinery, implements, and things, so that the same might become vested accordingly. This deed was duly registered under the 17 & 18 Vict. c. 36.

At various times prior to the 2nd April, 1860, portions of the machinery comprised in the schedule to the mortgage deed were sold, and other machinery added and substituted by Taylor.

An account, in writing, of the effects so added and substituted was delivered by Taylor to the appellants before the 2nd April, 1860; and on that day the appellants served Taylor with a demand, in writing, for payment of the 5000*l.*, and interest thereon.

On the 14th April, and subsequently, the machinery and effects of Taylor in the mill were seized by the sheriff under writs of execution issued on judgments recovered against Taylor subsequently to the mortgage. It was held by the House of Lords (affirming the decision of Sir J. Stuart, V.C. (6 Jur., N.S., part 1, p. 831), and reversing the decision of Lord Chancellor Campbell, that the appellants, as against the judgment creditor, were entitled, not only to the machinery originally comprised in the bill of sale, but also to the machinery added and substituted since the date of the mortgage.

That the decision of the House of Lords and Vice-Chancellor Stuart is in strict accordance with the principles laid down in the former decisions of the courts of equity there can be no doubt; nor can there be any doubt that Lord Chancellor Campbell, in arriving at a contrary conclusion, was influenced by his recollection of the doctrines of common law, in which no judge was ever better versed, and not sufficiently mindful of the principles of equity jurisprudence, in the administration of which, notwithstanding a constant affectation of familiarity, he by no means unfrequently gave evident signs of a recent novice.

The question in *Holroyd v. Marshall*, as it came before the House of Lords, lay within a small compass. It was, in fact, admitted that the judgment creditor had no title as against the machinery originally comprised in the bill of sale; and it was also admitted, that if a valid assignment could be made in equity of the machinery added and substituted after the bill of sale, it would fall within the same category as the original machinery, and could not be taken in execution by the judgment creditor. The argument urged on behalf of the judgment creditor was, the appellants had nothing more than an inchoate title, requiring some further act to perfect it, such as a new deed of assignment; and that the judgment creditor having, by means of the sheriff, seized the machinery, he had rendered his title perfect before the appellants had done so, and was, therefore, entitled to priority over them. The Lord Chancellor, in giving his judgment in favour of the appellants, said, that in equity it is not necessary, for the alienation of property, that there should be any formal deed of conveyance. A contract for valuable consideration, by which it is agreed to make a present transfer of property, passes at once the beneficial interest, provided the contract be such as a court of equity will decree specific performance of, the vendor becoming a trustee for the vendee. And, after some striking illustrations of the doctrines of equity upon this subject, his Lordship thus disposes of the arguments of the counsel for the judgment creditor:—"It is quite true," said his Lordship, "that a deed which professes to convey property which is not in existence at the time, is, as a conveyance, *void at law*, simply because there was nothing to convey. So, in equity, a contract which engages to transfer property which is not in existence, cannot operate as an immediate alienation, merely because

there is nothing to transfer. But if a vendor or mortgagor agree to sell or mortgage property, real or personal, of which he is not possessed at the time, and he receives the consideration for the contract, and afterwards becomes possessed of the property answering the description in the contract, there is no doubt that a court of equity would compel him to perform the contract, and that the contract would in equity transfer the beneficial interest to the mortgagee or purchaser immediately on the property being acquired. This, of course, assumes that the supposed contract is one of that class of which a court of equity would decree the specific performance. If it be so, then immediately, on the acquisition of the property described, the vendor or mortgagor would hold it *in trust* for the purchaser or mortgagee, according to the terms of the contract."

The ultimate decision of the case of *Holroyd v. Marshall* is an instance of "the glorious uncertainty of the law," especially as administered occasionally in the House of Lords.

From what appears in the judgment of Lord Wensleydale, a mere accident only prevented the decision of the House of Lords being just the reverse of what it was.

The history of the case is as follows:—It was heard first by Sir J. Stuart, V.C.; afterwards by Lord Campbell, who reversed the decision of the Vice-Chancellor; it then came for the first time, upon appeal, before the House of Lords, when Lord Campbell was Chancellor, the other law Lords being Lord Wensleydale and Lord Chelmsford; all of whom, eminent as they are known to be for their knowledge of the principles and practice of common law, have not had the same experience, and, we may safely assume, had not acquired an equal familiarity with the doctrines of courts of equity.

Lord Campbell, it appears, with that extraordinary industry which he possessed, immediately after the argument committed his opinion to paper. He adhered, we might almost say of course, to the opinion which he had expressed in the court below; and Lord Wensleydale agreeing with him, a majority of the House would have been in favour of the decision of Lord Campbell, and Lord Chelmsford, who was the only other law Lord present, but who dissented from the judgment of Lord Campbell, would have been in a minority.

Lord Campbell, however, died before the judgment of the House was actually given; a second argument took place, under the presidency of his successor on the woolsack, and the result is, instead of a judgment of the House of Lords which would have been most embarrassing to all practitioners in courts of equity, we have one which not only does justice between the parties to the suit, but is in strict accordance with those principles of equity upon which former judges in the Courts of Chancery have invariably proceeded, and which are laid down and illustrated by the present Lord Chancellor with a force and clearness which, we may venture to affirm, will prevent even common-law Chancellors from going wrong upon the same subject.

### Correspondence.

#### THE ARRANGEMENT CLAUSES OF THE BANKRUPTCY ACT, 1861.

TO THE EDITOR OF "THE JURIST."

SIR,—Will you allow one who is nervously affected by every threat of law reform while the seals are in their present custody, to suggest the expediency of trusting rather to the judicature than to the Legislature.

ture for the depuration of Lord Westbury's muddled arrangement clauses. There can be no doubt that the judges are competent to fasten some construction upon the most arrant nonsense that even the Lord Chancellor's draftsman can compose—and the advantage of a judicial interpretation is, that it will certainly be intelligible and precise—while nothing but further confusion is to be expected from a legislative exposition, at least such as we are likely to get.

If it is expedient, and was intended, to enable a majority of creditors to bind the minority to a composition, there is no reason to despair of the result under the existing law, or rather text. *Walker v. Adcock* (8 Jur., N. S., part 1, p. 518; 7 H. & Norm. 541) is not an authority of much weight in favour of the necessity of a *cessio bonorum*; for only the Chief Baron wholly, and Martin, B., mainly, relied on the omission of that as an objection to the deed, while Wilde, B., declared his opinion to be, that no such provision was necessary; and Bramwell, B., declined to express any opinion on the matter, the deed being clearly invalid because its benefits were confined to the creditors who executed it.

The deed before Lord Westbury, in *Ex parte Morgan* (32 L. J., Bank., 15), did not suggest the question. It was a deed of assignment of the debtor's personal estate, in trust for such of the creditors as should execute the deed within twenty-eight days, and was not duly registered. The judgment of the Lord Chancellor is not without interest from a certain point of view; but it does not contain even an obiter dictum on the question under consideration, to reach which his Lordship had to go very far out of his way.

In *Godden v. Shettle* (32 L. J., Bank., 37) the deed was a deed of composition limited to the executing creditors, and was not executed by the requisite majority, secured debts being reckoned, as it is settled must be done. Sir J. L. Knight Bruce, L. J., expressed a hope that the revision of the act, when it took place, would not be narrow in its range. Sir G. J. Turner, L. J., also considered that the exclusion of non-executing creditors from the benefit of the deed was a fatal objection; but neither judge expressed any opinion as to the necessity of a *cessio bonorum*. That question was discussed before them in *Ex parte Rawlings* (32 L. J., Bank., 27), but the case did not raise the point, and was of course decided on a different ground. Sir G. J. Turner, L. J., however went out of his way to discuss the general question, and stated his conclusion to be, that as new provisions in different language were substituted for the arrangement clauses in the act of 1849, an alteration was intended, and that deeds of composition, being within the general terms of the 192nd section, were not excluded by any of the special provisions in that section, which were to be referred distributively to the several kinds of arrangement to which they were appropriate.

Lastly, in *Foot v. Woods* (9 Jur., N. S., part 1, p. 178) the deed was limited to the executing creditors, and contained a covenant by each creditor to indemnify the debtor against bills and notes of the debtor negotiated by the creditor; which was held to be unreasonable, and the Court expressed no opinion on the general question.

The concession made by the counsel for the plaintiff in the last cited case, that, after the recent decisions, the necessity of a *cessio bonorum* could not be maintained, was gratuitous; for, as Wightman, J., observed, the matter is at present at large, unaffected by any direct decision.

But the decisions on the 224th section of the act of 1849, though indirect, are strong and conclusive au-

thorities against the construction which has been suggested in the Court of Chancery, for the repealed enactment is much more capable of that construction than the present one. The material part of the 224th section ran thus:—

"Every deed or memorandum of arrangement, now or hereafter entered into between any such trader and his creditors, and signed by or on behalf of six-sevenths in number and value of those creditors whose debts amount to 10% or upwards, touching such trader's liabilities, and his release therefrom, and the distribution, inspection, conduct, management, and mode of winding up of his estate, or all or any of such matters, shall &c."

It was at first considered that the words "all or any of such matters," referring, as they clearly did, to the trader's liabilities and his release, as well as to the dealings with his estate, destroyed the effect of the copula "and," which occurred twice in the antecedent part of the sentence, and let in deeds of composition merely. But the decision of the Queen's Bench in *Tilley v. Taylor* to that effect was reversed in the Exchequer Chamber, not because the grammatical construction of the sentence required a different construction, but because the provision in sect. 228, that the creditors under such deeds should have the same rights of set-off, mutual credit, lien, and priority, and in respect of joint and separate assets as in bankruptcy, which could not apply to a composition deed.

The 192nd section of the act of 1851 enacts, that "every deed or instrument made or entered into between a debtor and his creditors, or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor, and his release therefrom, or the distribution, inspection, management, and winding up of his estate, or any of such matters, shall be as valid and effectual, and binding on all the creditors of such debtor, as if they were parties to, and had duly executed, the same, provided the following conditions be observed."

The material variations from the language of the repealed section are, first, the introduction of the words "or any of them," referring to the creditors—words which the judges, including Lord Westbury himself, are obliged to strike out in order to bring the operation of the clause within moderate limits of absurdity; secondly, the substitution of "or" for "and," effecting a grammatical disjunction between the reference to the debtor's release from his liabilities, and the reference to the dealings with his estate; and, thirdly, the omission of the words "or all or," which were superfluous in the former enactment, but are necessary here, in order to include a deed relating both to the debtor's release and to the dealing with his estate.

Bramwell, B., might well ask, "If the old law was intended to continue, why was any alteration made in the language used? If the law was intended to be altered, why was not the alteration made in plain and unambiguous language?"

The object of the provision is to bind a non-assenting minority of the creditors. To what? Of course, to the release of the debtor. There can be nothing else to bind them to. There was no need to bind them to accept a dividend out of the estate. Then, if it was intended that any arrangement for releasing the debtor should be binding on all if sanctioned by three-fourths, why say anything about the consideration—the distribution of the estate? Obviously, the distribution of the estate by some means, either under inspection or by trustees, was intended to be an essential part of the arrangement. The assertion, that the decision in *Tilley v. Taylor* nullified the beneficial operation of the repealed clause, is contrary to the

fact. After that decision (1853) the requisites to the validity of a deed of arrangement were well understood. Almost every merchant who failed in the great crisis of 1857 arranged with his creditors under the sixth-seventh clauses, by agreeing to wind up his estate under inspection. No inconvenience arose from the necessity of agreeing to distribute the whole of the assets, because the executing creditors, either by a clause in the deed expressly charging their own dividends, or verbally, authorised the inspector to make a reasonable allowance to the debtor, and the few creditors who dissented received their dividends without deduction on account of that allowance. The only practical objection to the repealed provisions was the difficulty of obtaining the assent of so large a proportion of the creditors as six-sevenths, but it was never intended by the Legislature to enable three-fourths of the creditors to bind the minority to a mere composition, leaving the debtor in the undisturbed possession of his assets. The repealed clauses extended to traders only, whose dealings are generally well known to their creditors; but the new clauses extend to non-traders, whose character and conduct may be unknown to the greater part of their creditors, and who have every facility for misrepresenting their means, and manufacturing a majority of fictitious creditors.

The language of the new enactment being inconclusive, or rather, perhaps, nonsensical, let us turn to the context. The deed is not to be binding unless the deed be registered, and there be delivered to the registrar a statement "of the amount in value of the property and credits of the debtor comprised in such deed," and "immediately on the execution thereof by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, be delivered to the trustees." And no deed shall be registered unless it bear a stamp, denoting the payment of a duty on the value of the estate and effects comprised in, or to be collected or distributed under, such deed." After the registration of every such deed, the debtor and creditors and trustees "shall, in all matters relating to the estate and effects of such debtor, be subject to the jurisdiction of the Court of Bankruptcy, and shall respectively have the benefit of, and be liable to, all the provisions of this act, in the same and like manner as if the debtor had been adjudged a bankrupt," &c. The inference is irresistible, that the Legislature, though it was not critical as to language, did not intend to give validity to anything but a *cessio bonorum*. It must never be forgotten that this wretched "Bankruptcy Law Amendment Act" is to be regarded, not as the work of an intelligent lawyer, expressing in apt terms a well-considered design, but as the failure of a clumsy and ignorant workman, acting under the direction of an equally incompetent foreman, accepted and adopted by their employer before its defects were recognised. The intention of the Legislature was not to pass these clauses, but to pass something having the effect which they were supposed to express.

The Lord Chancellor's judgment in *Ex parte Morgan*, which has been printed at the expense of the Bankruptcy Court for the edification of the officials, but without any statement of the case, is remarkable, though not in the way in which the judgments of eminent judges are usually remarkable. It suggests, that "it seems to have been the intention of the framers of sect. 192, in the act of 1851, to avoid the same result, in point of decision, as that which was the consequence of *Telley v. Taylor*." *Telley v. Taylor* was decided on

this view of the case [statute], that words of release being conjoined with words of distribution, the winding up of the estate rendered every deed void that did not contain in it provisions for the distribution of the entirety of a bankrupt's [trader's] estate." It is very plain that his Lordship did not understand the ground of the decision in *Telley v. Taylor*, which, like that in the prior case of *Drew v. Collins* (6 Exch. 670), was not founded on the language of the clause, but on inference from the surrounding provisions.

Although his Lordship only surmises the object of the 192nd section, he tells us, apparently from certain knowledge, that the 194th section (for registering other deeds as well as those within the 192nd) "was introduced with a double view;" first, to avoid any injury from such deeds of composition; "another object for the enactment was, that it was felt that possibly many deeds of composition might not be perfected in manner required by the 192nd section, within the twenty-eight days, and that all the creditors might afterwards be willing to accede to such a deed, and therefore the power [obligation] was given to register under the 194th section a deed that did not exactly comply with the requisites of the 192nd section." The feeling vented itself in a strange way, seeing that the effect of registration under the 194th section is not to add any force or effect to the deed, or to confer any rights on the debtor or on his creditors, but simply to give notice of the existence of the deed to those who search the registry; for no advertisement is required; and, according to the Lord Chancellor, the registration of the deed does not confer jurisdiction on the Court of Bankruptcy under sect. 197.

The most surprising revelation on the subject of this 194th section is to come. The fourth condition of the 192nd section is, that within twenty-eight days the deed shall be "left" (I should say "*produced and left*") "at the office of the chief registrar, for the purpose of being registered." It is to be left with the chief registrar, for the purpose of being registered; of course in the Court of Bankruptcy. And sect. 193 prescribes the mode of registration. Sect. 194 directs, that "every deed, instrument, or agreement whatsoever, by which a debtor makes an arrangement with his creditors (including, therefore, deeds within sect. 192), shall, within twenty-eight days, "be registered in the Court of Bankruptcy; and, in default thereof, shall not be received in evidence."

The Lord Chancellor says, "Now, the registration required (by sect. 192) is a very peculiar form;" the peculiarity being, that the date, name, and occupation of the parties (other than the creditors), and a short statement of the nature and effect of the deed, are to be entered by the registrar in a book to be kept exclusively for the purpose of such registration; and this very peculiar mode of registration having been described in the 193rd section, is not again described in the next section, which, like the 192nd, prescribes registration in the Court of Bankruptcy; yet his Lordship declares, that "the registration under the one section is very different from the registration under the other section." The consequence of this distinction without a difference would be, that as the 194th section extends to every deed which is within the 192nd section (every deed "*whatsoever*"), all deeds intended to bind non-assenting creditors, and to be received in evidence, must be doubly registered—namely, in the book required by the 193rd section to be kept *exclusively* for the purposes of such registration as is mentioned in sect. 192, and also in

\* Let us stop to admire, though we may not understand, this language. The same result, in point of decision, as that

[result] which was the consequence of a decision. What result, in point of decision, is the result which is the consequence of a decision?

some different book, and in some other way not defined by the act. Hitherto, in practice, under his Lordship's Orders, there has not been a double registration, so that all the deeds which have been registered in the chief registrar's exclusive book are inadmissible in evidence, except, as the Lord Chancellor has lately decided, for the purpose of establishing an act of bankruptcy.

Another dictum in this judgment is, that though a deed of arrangement cannot bind non-assenting creditors unless it extends to all the creditors, yet a deed providing "for all the creditors, with a subsequent proviso imposing on the creditors the obligation of coming in within a definite time," may bind non-assenting creditors; for there are "decisions, which have held, that a proviso requiring the creditor to come in within a certain time, and execute the deed, would not, if it be not observed, avail to exclude him from the benefit of the trust." Before your readers act upon this dictum, and upon the analogous dictum of Sir J. Stuart, V.C., in *Harris v. Pettit* (31 L. J., Ch., 552), they will do well to read the judgment of Sir W. P. Wood, V.C., in *Whitmore v. Turquand* (1 Johns. & H. 444; affirmed by Lord Campbell, 3 De G., F., & J. 107), and in *Nicholson v. Tutin* (2 Kay & J. 18), and then consider the cases of *Bloomer v. Darter* (2 C.B., N.S., 165) and *March v. Warwick* (1 H. & Norm. 158).

I am, Sir, your obedient servant,  
G. S.

#### PUBLIC EXAMINATION.—TRINITY TERM, 1868.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

"As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations; and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

"No students shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

#### RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Trinity Term, to which a student of any of the Inns of Court who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for ex-

amination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Tuesday, the 12th day of May next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Tuesday, the 19th day of May next, and will be continued on the Wednesday and Thursday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Tuesday morning, the 19th May, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Wednesday morning, the 20th May, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Thursday morning, the 21st May, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Thursday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary, according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

THE READER ON CONSTITUTIONAL LAW and LEGAL HISTORY will expect candidates for honours to be well acquainted with the origin and progress of our Laws and Constitution, as explained in chap. 8, part 3, of Hallam's History of the Middle Ages.

He will expect them to be well acquainted with the Great Charter (on which they will find an excellent Commentary in Sullivan's Lectures, 39, 40, 41, 42, and 43, pp. 343 to 381), with the chapters in Hallam's Constitutional History, which contain an ac-

count of the reigns of Henry VII, Henry VIII, Elizabeth, the Stuarts, William III, and Anne; with the State Trials in the reign of Henry VIII, of the Duke of Buckingham, in Mary, of Throgmorton; the remarkable Trials during the reigns of the Stuarts and William III; with the History of the Law of Treason, Libel, and of the Tenure of Land, down to the beginning of this century.

He refers those candidates especially to the 26th, 27th, 28th, and 29th chaps. in the 3rd vol. of Lord Brougham's Political Philosophy, to the close of the 23rd chap. of Hume's History, vol. 3, p. 296, 8vo. ed., the passage beginning "Thus far have we pursued the History of England," &c.; to the 3rd vol. of Millar's History; to the Preface to Gilbert on Uses, by Lord St. Leonards; the Preface to the State Trials; the 5th chap. of the 2nd vol. of Blackstone's Commentaries (edition in which the text is preserved); and chaps. 1, 2, and 3 of Mr. Justice Foster's Work on the Crown Law.

All candidates will be expected to know the principal events in English History from the Conquest to the Accession of George III; to have an accurate knowledge of the reigns of the Stuart Kings, of Magna Charta, the Petition of Right, the Bill of Rights, the Law of Treason, and the Act of Settlement.

The READER ON EQUITY proposes to examine in the following books:—

1. Haynes's Outlines of Equity; Smith's Manual of Equity Jurisprudence; Hunter's Elementary View of the Proceedings in a Suit in Equity, part 1.

2. The Cases and Notes contained in the 1st volume of White & Tudor's Leading Cases; the Act to further amend the Law of Property and to relieve Trustees, 22 & 23 Vict. c. 35; the Act to further amend the Law of Property, 23 & 24 Vict. c. 38; the Act to give to Trustees, Mortgagees, and others, certain Powers now commonly inserted in Settlements, Mortgages, and Wills, 23 & 24 Vict. c. 145; the Act to regulate the Procedure in the High Court of Chancery and the Court of Chancery of the County Palatine of Lancaster, 25 & 26 Vict. c. 42; the General Orders of the Court of Chancery of the 1st February, 1861, and of the 5th February, 1861 (7 Jur., N. S., part 2, p. 58); Mitford on Pleadings in the Court of Chancery—Introduction, c. 1, ss. 1, 2; c. 1, s. 3 (the first six pages); c. 2, s. 1; c. 2, s. 2, part 1 (the first three pages); c. 2, s. 2, part 2 (the first two pages); c. 2, s. 2, part 3; c. 3.

Candidates for certificates of having passed a satisfactory examination will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

The READER ON the LAW OF REAL PROPERTY, proposes to examine in the following books and subjects:—

1. Joshua Williams on the Law of Real Property, 6th ed.

2. The Act 8 & 9 Vict. c. 106, and the Notes thereon; Shelford's Real Property Statutes, pp. 589–599 (6th ed.)

3. Contracts for and Particulars and Conditions of Sale; Dart's Vendors and Purchasers, c. 4, pp. 68–112 (3rd ed.)

4. The Descent, Succession, and Administration of Real and Personal Property; Josiah William Smith on Real and Personal Property, part 3, tit. 1, pp. 411–469 (2nd ed.)

5. Powers: their Execution, Extinguishment, and Suspension. *Edwards v. Slater* (Hardr. Rep. 410); *Alexander v. Alexander* (2 Ves. 640); and the Notes to

those Cases. Tudor's Leading Cases in Real Property and Conveyancing, pp. 277–320.

Candidates for honours or the studentship will be examined in all the foregoing books and subjects; candidates for a certificate in those under heads 1, 2, and 3.

The READER ON CIVIL LAW AND JURISPRUDENCE proposes to examine in the following books and subjects:—

1. Justinian's Institutes, book 3, tit. 13 ad finem; book 4, tit. 1–5.

2. Mackeldeii Systema Juris Romani—Pars Specialis, lib. 2. Jus obligationum, ss. 329–352; ss. 417–431.

3. Digest.—Lib. 22, tit. 6, De Juris et facti ignorantia; lib. 4, tit. 3, De dolo malo; lib. 4, tit. 2, Quod metus causa; lib. 45, tit. 2, De duobus reis.

4. Code Napoleon, art. 1101–1314.

5. Maine's Ancient Law, chap. 9.

Candidates for the studentship or honours will be examined in the whole of the above-named books and subjects; but candidates for a pass certificate will be examined in 1 and 5 only.

The READER ON COMMON LAW proposes to examine in the following books and subjects:—

Candidates for a pass certificate will be examined as to—

1. The Proceedings and Course of Pleading in an Action.

2. The Law of Contracts; so far as set forth in Mr. Smith's Lectures on Contracts. Lectures 1–5, inclusive.

3. The Law of Torts, which may be read from Broom's Commentaries (2nd ed.), book 3.

4. The Law of Simple Larceny and of Homicide, which may be read from Archbold's Crim. Plead., by Welsby (last ed.)

Candidates for the studentship or honours will be examined in 1, 3, and 4, supra, and also in—

5. Smith's Mercantile Law, by Dowdeswell (last ed.), book 1, omitting chap. 3.

6. Stephen on Pleading, chap. 2, "Of the Principal Rules of Pleading," ss. 1 and 2.

7. The under-mentioned Cases:—

*Emmens v. Elderton* (4 H. L. C. 624); *Chassmore*

*v. Richards* (7 H. L. C. 349); *Hooper v. Lane*

(6 H. L. C. 443); *Cornfoot v. Fowke* (6 M. & W.

358); *Morley v. Attenborough* (3 Exch. 500);

*Barnes v. Ward* (9 C. B. 392).

8. Taylor on Evidence (last ed.), part 1, chap. 3, "The Functions of the Judge, as distinguished from those of the Jury," part 2, chap. 3, "Burthen of Proof," and chap. 7, "Hearsy Evidence."

By order of the Council,

WESTBURY, C., Chairman.

## Imperial Parliament.

HOUSE OF COMMONS.—Thursday, March 5.

ECCLESIASTICAL COURTS AND REGISTRIES.

Sir G. Grey, in answer to Mr. H. Seymour, said that a bill was in preparation for the reform of the Ecclesiastical Courts and Registries.

The Solicitor-General, in answer to the same hon. member, said that the Church Building Acts had been consolidated, and that he hoped to bring in a bill before Easter.

Wednesday, March 11.

AFFIRMATIONS BILL.

Sir John Trelawney moved the second reading of this bill. The Attorney-General, Sir J. Ferguson, and Mr. Henley opposed the bill.

Mr. Roebuck, Sir F. Goldsmid, Mr. Locke, Mr. Ingham, Mr. Comingham, and Sir C. Douglas supported it.



The House then divided, when there appeared—	
For the second reading .....	96
Against it .....	142
Majority against the bill ..	46

## SECURITY FROM VIOLENCE BILL.

Mr. Adderley moved the second reading of this bill.

Mr. Hadfield, Mr. Clay, and Sir George Grey opposed the second reading.

Mr. Hibbert, Colonel North, and Sir S. Northcote supported it.

The House then divided—	
For the second reading .....	131
Against it .....	68

Majority for the second reading ..... 63

### LIST OF SHERIFFS AND UNDER-SHERIFFS, WITH THEIR DEPUTIES AND AGENTS, FOR 1863.

\* \* Warrants are granted in town for all places except Bristol, Bury St. Edmunds, Canterbury, Chester, Derbyshire, Devonshire, Durham, Exeter, Gloucestershire, Gloucester City, Herefordshire, Haverfordwest, Kingston-upon-Hull, Lancashire, Lichfield City, Monmouthshire, Norwich, Poole, York City, and the remainder of the Welsh counties. Office hours—in Term, from 11 till 4, and in Vacation, from 1 till 3.

**Bedfordshire**—Benjamin Helps Starey, Esq., Milton Earnest Hall.

*Undersh.*, John Garrard, Esq., Olney, Bucks.

*Dep.*, John Arthur Illife, 13, South-square, Gray's-inn, W. C.

**Berkshire**—James Blyth, Esq., Woolhampton House, near Newbery.

*Undersh.*, J. J. Blandy, Esq., High Grove, Reading.

*Dep.*, Gregory, Rowcliffe, & Rowcliffe, 1, Bedford-row, W. C.

**Berwick-upon-Tweed**—Alexander Cahill, Esq., Berwick-upon-Tweed.

*Undersh.*, Edward Willoby, Esq., Berwick-upon-Tweed.

*Dep.*, Aldridge & Bromley, 1, South-square, Gray's-inn, W. C.

**Bristol**—Charles Daniel Cave, Esq., Bristol.

*Undersh.*, William Ody Hare, Esq., Bristol.

*Dep.*, Bridges & Son, Red Lion-square, W. C.

**Buckinghamshire**—Phillips Cosby Lovett, Esq., Liscombe Park, Bucks.

*Undersh.*, Acton Tindal, Esq., Aylesbury.

*Dep.*, John M<sup>c</sup>Millin, 39, Bloomsbury-square, W. C.

**Cambridge & Hunts.**—Denzil Onslow, Esq., Great Staughton House.

*Undersh.*, George Day, Esq., St. Neots.

*Dep.*, Parker, Rooke, & Parkers, 17, Bedford-row, W. C.

**Canterbury**—Allen Fielding, Esq., Canterbury.

*Undersh.*, Allen Fielding, Esq., Canterbury.

*Dep.*, Kingsford & Dorman, 23, Essex-street, Strand, W. C.

**Cheshire**—Sir Charles Watkin Shakerley, Bart., Somerford Park.

*Undersh.*, { George Reade, Esq., Congleton.

{ Hostage & Tatlock, Chester. A. U.

*Dep.*, G. F. Hudson, 23, Bucklersbury, E. C.

**Chester (City)**—William Maysmor Williams, Esq., Chester.

*Undersh.*, John Hostage, Esq., Bridge House, Chester.

*Dep.*, Chester & Urquhart, 11, Staple-inn, W. C.

**Cornwall**—William Coulson, Esq., Kenegie.

*Undersh.*, John Roscorla, Esq., Penzance.

*Dep.*, Kingdon & Cotton, 10, King's Arms-yard, Moorgate-street, E. C.

**Cumberland**—W. Nicholson Hodgson, Esq., Newby Grange, Carlisle.

*Undersh.*, Charles Bernard Hodgson, Esq., Carlisle.

*Dep.*, George Capes, 1, Field-court, Gray's-inn, W. C.

**Derbyshire**—Sir H. F. Every, Bart., Eggington.

*Undersh.*, { John Richardson, Esq., Burton-upon-

Trent.

{ Benj. S. Currey, Esq., Derby. A. U.

*Dep.*, Braikenridge & Sons, 16, Bartlett's-buildings, Holborn, E. C.

**Devonshire**—Sir George Stusley Stusley, Bart., Hartland Abbey, Bideford.

*Undersh.*, Winslow Jones, Esq., Exeter.

*Dep.*, G. E. Philbrick, Girdlers'-hall, 39, Basing-hall-street, E. C.

**Dorsetshire**—George Whieldon, Esq., Wyke Hall, Gillingham.

*Undersh.*, Thomas Coombes, Esq., Dorchester.

*Dep.*, Rickards & Walker, 29, Lincoln's-inn-fields, W. C.

**Durham**—John Richard Westgarth Hildyard, Esq., Horsley.

*Undersh.*, William Emerson Wooler, Esq., Durham.

*Dep.*, James Crowdy, 17, Serjeants'-inn, Fleet-street, E. C.

**Essex**—George Palmer, Esq., Nazing, Essex.

*Undersh.*, { John V. Longbourne, Esq., 4, South-

square.

{ Gepp & Veley, Chelmsford. A. U.

*Dep.*, Edward Brodribb Randall, 3, Gray's-inn-place, W. C.

**Exeter**—Thomas Blackall, Esq., Exeter.

*Undersh.*, Arthur Burch, Esq., Exeter.

*Dep.*, G. E. Philbrick, Girdlers'-hall, 39, Basing-hall-street, E. C.

**Gloucestershire**—Philip William Skynner Miles, Esq., King-weston, Bristol.

*Undersh.*, John Barrup, Esq., Gloucester.

*Dep.*, Thomas White & Sons, 11, Bedford-row, W. C.

**Gloucester**—Henry John Paul, Esq., Gloucester.

*Undersh.*, William Matthews, Esq., Gloucester.

*Dep.*, Wm. Compton Smith, 48, Lincoln's-inn-fields, W. C.

**Hampshire**—Melville Portal, Esq., Daverstock House, Mitchelldever.

*Undersh.*, T. Burnett Woodham, Esq., Winchester.

*Dep.*, Henry Sowton, 6, Great James-street, Bedford-row, W. C.

**Herefordshire**—William Bridgman, Esq., Frogmore, near Ross.

*Undersh.*, Henry Minett, Esq., Ross.

*Dep.*, Belfour & Bolton, 4, Elm-court, Temple, E. C.

**Hertfordshire**—Samuel Richard Block, Esq., Greenhill Grove.

*Undersh.*, { Philip Longmore, Esq., Hertford.

{ Longman & Sword, Hertford. A. U.

*Dep.*, Hawkins, Bloxham, & Hawkins, 2, New Boswell-court, W. C.

**Hunts. & Camb.**—Denzil Onslow, Esq., Great Staughton House.

*Undersh.*, George Day, Esq., St. Neots.

*Dep.*, Parker, Rooke, & Parkers, 17, Bedford-row, W. C.

**Kent**—Samuel Long, Esq., Bromley Hill, Bromley, Kent.

*Undersh.*, Frederick Scudamore, Esq., Maidstone.

*Dep.*, Palmer, Palmer, & Bull, 24, Bedford-row, W. C.

**Kingston-upon-Hull**—Thos. Jackson, Esq., Kingston-upon-Hull.

*Undersh.*, George Chrstr. Roberts, Esq., Hull.

*Dep.*, Francis Wm. Blake, 5, Searle-street, Lincoln's-inn, W. C.

**Lancashire**—Sir William Brown, Bart., Liverpool.

*Undersh.*, { Andrew T. Squarrey, Esq., Liverpool.

{ Wilson & Deacon, Preston. A. U.

*Dep.*, Gregory, Rowcliffe, & Rowcliffe, 1, Bedford-row, W. C.

**Leicestershire**—John Martin, Esq., Whatton House, Leicester.

*Undersh.*, William Gregory, Esq., Leicester.

*Dep.*, Loftus & Young, 10, New-inn, Strand, W. C.

**Lichfield**—Rupert Morris, Esq., Lichfield.

*Undersh.*, John Philip Dyott, Esq., Lichfield.

*Dep.*, S. B. Somerville, 48, Lincoln's-inn-fields, W. C.

**Lincoln**—William Huddleston, Esq., Lincoln.  
*Undersh.*, Thurston George Dale, Esq., Lincoln.  
*Depts.*, Taylor, Hoare, & Taylor, 28, James-street, Bedford-row, W. C.

**Lincolnshire**—George Charles Uppley, Esq., Barrow.  
*Undersh.*, { R. Brown, Esq., Barton-upon-Humber.  
 J. F. Burton, Esq., Lincoln. A. U.  
*Depts.*, Cox & Stone, 33, Poultry, E. C.

**London (Plural)**—Alderman James Clarke Lawrence, 18, Cannon-street.  
*Undersh.*, J. Mackrell, Esq., Cannon-street West.  
*Dep.*, Mr. Secondary Potter, 5, Basinghall-street, E. C.

**Middlesex (Singular)**—Hugh Jones, Esq., 108 and 109, Wood-street.  
*Undersh.*, Frederick Farrar, Esq., Godliman-street.  
*Depts.*, Burchell & Hall, 24, Red Lion-square, W. C.

**Monmouthshire**—Henry Martyn Kennard, Esq., Crunlin Hall.  
*Undersh.*, E. B. Edwards, Esq., Pontypool.  
*Depts.*, Smith & Shepherd, 15, Golden-square, W. C.

**Newcastle-upon-Tyne**—Henry Parker, Esq., Newcastle.  
*Undersh.*, Henry Wm. Fenwick, Esq., Newcastle.  
*Depts.*, Shum & Crossman, 3, King's-road, Bedford-row, W. C.

**Norfolk**—Joseph Stonehewer Scott Chad, Esq., Thursford.  
*Undersh.*, { George R. Simpson, Esq., Norwich.  
 Clement Taylor, Esq., Norwich. A. U.  
*Dep.*, G. T. Taylor, 18, Featherstone-buildings, Holborn, W. C.

**Northamptonshire**—George Ashby Ashby, Esq., Naseby.  
*Undersh.*, G. H. Fisher, Basinghall-street, and Northampton.  
*Depts.*, Lindsay, Mason, & Fisher, 84, Basinghall-street, E. C.

**Northumberland**—Watson Askew, Esq., Pallinsburn.  
*Undersh.*, Wm. Forster, Esq., Belvidere, Alnwick.  
*Depts.*, Gray & Mounsey, 9, Staple-inn, W. C.

**Norwich**—Jeremiah James Coleman, Esq., Norwich.  
*Undersh.*, William Henry Tillett, Esq., Norwich.  
*Depts.*, Ashurst, Morris, & Knight, 6, Old Jewry, E. C.

**Nottingham**—William Chapman, Esq., Nottingham.  
*Undersh.*, Christopher Swann, Esq., Nottingham.  
*Depts.*, Loftus & Young, 10, New-inn, Strand, W. C.

**Nottinghamshire**—John Henry Manners Sutton, Esq., Kelham Hall.  
*Undersh.*, { G. Hodgkinson, Esq., Newark.  
 J. T. Brewster, Esq., Nottingham. A. U.  
*Depts.*, Taylor, Hoare, & Taylor, 28, Great James-street, Bedford-row, W. C.

**Oxfordshire**—Thomas Taylor, Esq., Ashton House.  
*Undersh.*, John Marriott Davenport, Esq., Oxford.  
*Depts.*, Davies, Son, Campbell, & Reeves, 17, Warwick-street, W.

**Poole**—John Pitt Gutch, Esq., Poole.  
*Undersh.*, William Parr, Esq., Poole.  
*Dep.*, William Mardon, 99, Newgate-street, E. C.

**Rutlandshire**—The Hon. Henry Lewis Noel, Exton Park.  
*Undersh.*, Thomas Brown, Esq., Uppingham.  
*Dep.*, George E. Spencer, 10, South-square, Gray's-inn, W. C.

**Shropshire**—Thomas Charlton Whitmore, Esq., Apley Park.  
*Undersh.*, J. J. Peele, Esq., Shrewsbury.  
*Depts.*, Jones, Francis, & Bosanquet, 22, Austin-friars, B. C.

**Somersetshire**—Captain George Treweek Scobell, Esq., Kingwell.  
*Undersh.*, John Nicholett, Esq., South Petherton.  
*Depts.*, Dynes & Harvey, 61, Lincoln's-inn-fields, W. C.

**Southampton**—George Simon Brinton, Esq., Southampton.  
*Undersh.*, William Hickman, Esq., Southampton.  
*Depts.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand, W. C.

**Staffordshire**—Thomas Bagnall, Esq., West Bromwich.  
*Undersh.*, Robert William Hand, Esq., Stafford.  
*Depts.*, Thomas White & Sons, 11, Bedford-row, W. C.

**Suffolk**—John William Brooke, Esq., Sibton Park.  
*Undersh.*, { John Crabtree, Esq., Halesworth.  
 Jackson & Sparke, Bury St. Edmunds. A. U.  
*Dep.*, T. H. Dixon, 5, New Boswell-court, W. C.

**Surrey**—Lewis Lloyd, Esq., Monk's Orchard, near Croydon.  
*Undersh.*, Charles James Abbott, Esq., 8, New-inn, Strand, W. C.  
*Depts.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand, W. C.

**Sussex**—John Charles Fletcher, Esq., Dale Park, near Arundel.  
*Undersh.*, George P. Clarkson, Esq., Brighton.  
*Depts.*, Palmer, Palmer, & Bull, 24, Bedford-row, W. C.

**Warwickshire**—Charles Marriott Caldecott, Esq., Holbrook Grange.  
*Undersh.*, Thomas Heath, Esq., Warwick.  
*Depts.*, Taylor, Hoare, & Taylor, 28, Great James-street, Bedford-row, W. C.

**Westmoreland**—William Wilson, Esq., High Park, near Kendal.  
*Undersh.*, Roger Moser, Esq., Kendal.  
*Dep.*, Robert Marshall, 7, Leadenhall-street, E. C.

**Wiltshire**—Thomas Fraser Grove, Esq., Fern.  
*Undersh.*, C. M. C. Whatman, Esq., Salisbury.  
*Depts.*, Gregory, Rowcliffe, & Rowcliffe, 1, Bedford-row, W. C.

**Worcester**—John Longmore, Esq., Worcester.  
*Undersh.*, William Meredith, Esq., Worcester.  
*Depts.*, Dynes & Harvey, 61, Lincoln's-inn-fields, W. C.

**Worcestershire**—Richard Hemming, Esq., Bentley Manor, Bromsgrove.  
*Undersh.*, { E. Browning, Esq., Redditch, Worcestershire.  
 E. Gilham & J. F. Gilham, Worcester. A. U.  
*Depts.*, Cardale, Iliffe, & Russell, 2, Bedford-row, W. C.

**York**—Francis Carr, Esq., Heslington, near York.  
*Undersh.*, Henry Wood, Esq., Pavement, York.  
*Dep.*, None appointed.

**Yorkshire**—John Hope Barton, Esq., Stapleton Park, near Pontefract.  
*Undersh.*, William Gray, Esq., York.  
*Depts.*, Bell, Brodrick, & Bell, Bow-churchyard, E. C.

## NORTH WALES.

**Anglesey**—Robert Lloyd Jones Parry, Esq., Tregaiian.

**Carnarvonshire**—John Platt, Esq., Bryn-y-neuodd.  
*Undersh.*, Edward Breesse, Esq., Portmadoc.  
*Depts.*, M'Leod & Cann, 51, Lincoln's-inn-fields, W. C.

**Denbighshire**—John Lloyd, Esq., Rhagatt, Corwen.  
*Undersh.*, Marcus Louis, Esq., Ruthin.  
*Dep.*, John Douglas Finney, 6, Furnival's-inn, E. C.

**Flintshire**—Charles Butler Clough, Esq., Llwyn Offa, Flintshire.  
*Undersh.*, A. T. Roberts, Esq., Mold, Flintshire.  
*Depts.*, Simpson, Roberts, & Simpson, 62, Moorgate-street, E. C.

**Merionethshire**—Howel Morgan, Esq., Hengwrtuchaf.  
*Undersh.*, William Griffith, Esq., Dolgelly.  
*Depts.*, Clarke, Gray, & Woodcock, 20, Lincoln's-inn-fields, W. C.

**Montgomeryshire**—John Dugdale, Esq., Llwyn, Llanfyllin.  
*Undersh.*, { Thomas Lloyd Royle, Esq., Llanfyllin.  
 Woosnam & Lloyd, Newtown. A. U.  
*Depts.*, Jones & Blackland, 7, Crosby-square, Blahogate-street, E. C.

## SOUTH WALES.

**Breconshire**—Thomas De Winton, Esq., Cefu Cantref.  
*Undersh.*, Joseph Richard Cobb, Esq., Brecon.  
*Depts.*, Reece, Wilkins, & Blyth, 10, St. Swithin's-lane, E. C.

**Cardiganshire**—Price Lewis, Esq., Gwasted, near Lampeter.  
*Undersh.*, Benjamin Evans, Esq., Newcastle Emlay.  
*Dep.*, C. E. Abbott, 62, Lincoln's-inn-fields, W. C.

**Carmarthenshire**—Isaac Horton, Esq., Ystrad, Carmarthenshire.

*Undersh.*, Francis Green, Esq., Carmarthen.

*Dep.*, Thomas Clark, 2, Gray's-inn-square, W. C.

**Carmarthen**—John Evans, Esq., Carmarthen.

*Undersh.*, Lewis Morris, Esq., Carmarthen.

*Depts.*, Chilton, Burton, Yeates, & Hart, 25, Chancery-lane, W. C.

**Glamorganshire**—John Popkin Traherne, Esq., Coytrabene.

*Undersh.*, Alexander Cuthbertson, Esq., Neath.

*Depts.*, Rowland & Hacon, 31, Fenchurch-street, E. C.

**Haverfordwest**—James Williams, Esq., Haverfordwest.

*Undersh.*, William Davies, Esq., Haverfordwest.

*Dep.*, T. H. Smith, 1, Frederick's-place, Old Jewry, E. C.

**Pembrokeshire**—William Rees, Esq., Seveston.

*Undersh.*, William Davies, Esq., Haverfordwest.

*Dep.*, T. H. Smith, 1, Frederick's-place, Old Jewry, E. C.

**Radnorshire**—Henry Thomas, Esq., Pencerrig.

*Undersh.*, Evan Vaughan, Esq., Builth.

*Depts.*, Thomas White & Sons, 11, Bedford-row, W. C.

**WESTMINSTER POLICE COURT.**—T. Paynter, Esq., has, in consequence, we believe, of ill health, resigned his office as one of the magistrates of this court.

The Queen has been pleased to appoint George Campbell, Esq., of the Bengal Civil Service, to be a Judge of High Court at Calcutta.

**NASH, CHRISTOPHER**, Hereford, out of business, March 25, Hereford. Off. Ass. Reynolds; Sol. Averill, Hereford.—Pet. f. March 2.

**OXFORD, JOSEPH**, Bilston, Staffordshire, engineer, March 21, Wolverhampton. Off. Ass. Brown; Sol. Sheldon, Wednesbury.

**PETHERICK, SIMON LETHBRIDGE**, Buckland Monachorum, Devonshire, wheelwright, March 21, Tavistock. Off. Ass. Bridgman; Sol. Carpenter & Co., Tavistock.—Pet. f. March 3.

**PROWSE, JAMES**, Wolverhampton, tobacconist, March 23, Wolverhampton. Off. Ass. Brown; Sol. Walker, Wolverhampton.

**REDFERN, GEORGE**, Liverpool, butcher, March 17, Liverpool. Off. Ass. Hime; Sol. Evans & Co., Liverpool.—Adj. Jan. 19.

**REYNOLDS, JOHN**, Bolton, Lancashire, commission agent, March 19, Manchester. Off. Ass. Fraser; Sol. Leigh, Manchester.—Pet. f. March 3.

**RIDER, JOSEPH CHARLES**, Sedgley, Staffordshire, licensed victualler, March 23, Wolverhampton. Off. Ass. Brown; Sol. Bartlett, Wolverhampton.

**ROBERTSON, JAMES**, Monkwearmouth Shores, Durham, shipwright, March 24, Sunderland. Off. Ass. Marshall; Sol. Simay, Sunderland.—Pet. f. March 2.

**SKINNER, ROBERT**, Bristol, pianoforte manufacturer, March 27, Bristol. Off. Ass. Harley; Sol. Sabine.—Pet. f. March 2.

**THOMAS, WILLIAM**, Penryn, near Cardiff, Glamorganshire, forger, March 18, Cardiff. Off. Ass. Langley; Sol. Eneor, Cardiff.—Pet. f. March 3.

**TURVEY, THOMAS**, Brackley, Northamptonshire, labourer, March 20, Brackley. Off. Ass. Fairthorne; Sol. Pellatt, Banbury.—Pet. f. March 4.

**WAKELAM, BENJAMIN**, Willenhall, Staffordshire, gun-lock stamper, March 23, Wolverhampton. Off. Ass. Brown; Sol. Salter, Darlaston.

**WATTS, JOHN**, Weston-super-Mare, Somersetshire, fisherman, March 11, Weston-super-Mare. Off. Ass. Davies; Sol. Taunton, Taunton.—Pet. f. Feb. 19.

**WEBB, JOHN**, Wallingford, Berkshire, schoolmaster, March 27, Wallingford. Off. Ass. Atkinson; Sol. Thompson, Oxford.—Pet. f. Feb. 27.

**WHITE, THOMAS**, Lutterworth, Leicestershire, butcher, March 18, Lutterworth. Off. Ass. Gates; Sol. Smallbone, Coventry.—Pet. f. Feb. 20.

**WILSON, THOMAS THOMAS**, Liverpool, out of business, March 20, Liverpool. Off. Ass. Turner; Sol. Hubbard, Liverpool.—Pet. f. March 4.

**WILKINSON, THOMAS**, Bradford, Yorkshire, porter brewer, March 17, Bradford. Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. March 4.

**WILLIAMS, EVAN**, Llanthow, Breconshire, cattle salesman, March 20, Bristol. Off. Ass. Astman; Sol. Nalder & Co., Bristol.—Pet. f. March 2.

**WRIGHT, JONATHAN**, Darfield, Yorkshire, joiner, March 27, Barnsley. Off. Ass. Shepherd; Sol. Hamer, Barnsley.—Pet. f. March 3.

**ZIMMERMAN, JOHN JOSEPH HUBERT**, Devonport, victualler, March 25, Plymouth. Off. Ass. Hirtzel; Sol. Beer & Co., Devonport; Harpell, Exeter.—Pet. f. Feb. 21.

#### BANKRUPTCY ANNOUNCED.

**CLAYARD, WILLIAM**, Conwy-mews, Hampstead-street, Fitzroy-square, dealer in horses.

#### PARTNERSHIP DISSOLVED.

**MANE, EDWARD, and MANE, WILLIAM**, Manchester, cottoners.

TUESDAY, March 10.

#### BANKRUPTS.

To be heard in London.

**BRUNDILL, THOMAS**, Fetter-lane, greengrocer, March 24. Off. Ass. Edwards; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. March 5.

**BUCK, JOHN**, Brighton, printer, March 24. Off. Ass. Cannan; Sol. Richardson, 15, Old Jewry-chambers.—Pet. f. March 6.

**CATT, ALFRED**, Fortobello-road, Notting-hill, bootmaker, March 24. Off. Ass. Cannan; Sol. Apps, 7, South-square, Gray's-inn.—Pet. f. March 6.

**COMPTON, DAVID**, Tollard Royal, Wiltshire, farmer, March 26. Off. Ass. Graham; Sol. Jones, 3, New-inn.—Pet. f. March 6.

**DOWSETT, ROBERT**, Good Easter, Essex, builder, March 26. Off. Ass. Graham; Sol. Dunfield, 30, Cornhill.—Pet. f. March 8.

**EASTENBROOK, THOMAS FORD**, Grosvenor-road, St. John's Wood, and York-road, Lambeth, grocer, March 24. Off. Ass. Cannan; Sol. Treherne & Co., 17, Gresham-street.—Pet. f. March 5.

**HERRIOTT, WILLIAM MOSELEY**, Flowers-terrace, Stainsby-road, East India-road, licensed victualler, March 24. Off. Ass. Edwards; Sol. Wood, 4, Coleman-street-buildings, Moorgate-st.—Pet. f. March 6.

**HEWITT, GEORGE**, Bentley, Southampton, manure merchant, March 26. Off. Ass. Graham; Sol. White, Guildford, and 8, Dances-inn, Strand.—Pet. f. March 6.

**JACKSON, WILLIAM HENRY**, Rochford, Essex, auctioneer, March 24. Off. Ass. Edwards; Sol. Treherne & Co., 17, Gresham-street.—Pet. f. March 5.

**JENNINGS, DOMINICK**, Elm-grove, Hammersmith, omnibus driver, March 24. Off. Ass. Edwards; Sol. Preston & Co., 13, Gresham-street.—Pet. f. March 6.

**JESSOP, CHARLES**, Woolwich, baker, March 23. Off. Ass. Graham; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. March 3.

**KISSELLA, JOSEPH**, Chester-street, Kennington-road, hatter, March 31. Off. Ass. Stansfield; Sol. Binnis, 1, Trinity-square, Southwark.—Pet. f. March 6.

**LANKHAM, ROBERT**, Ireland's-row, Mile-end-road, and New-road, Whitechapel, auctioneer, March 31. Off. Ass. Stansfield; Sol. Surr & Co., 12, Abchurch-lane.—Pet. f. March 6.

**LEEMING, THOMAS STAPLETON**, Dame-street, Islington, woollen agent, March 31. Off. Ass. Stansfield; Sol. Woodard, 106, Fenchurch-street.—Pet. f. March 3.

**LYLE, ROBERT JOHN**, Brydges-street, Covent-garden, of no trade, March 24. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 3.

**MURIEL, EDWARD MORLEY**, Ruckinge, Kent, clerk in holy orders, March 24. Off. Ass. Cannan; Sol. Duncan & Co., 13, Southampton-street, Bloomsbury; Furley & Co., Ashford, Kent.—Pet. f. March 6.

**PLUMMER, JOHN**, New-street, Brompton-road, pork butcher, March 23. Off. Ass. Graham; Sol. Parsons, 43, Basinghall-street.—Pet. f. March 4.

**RICHARDSON, GEORGE**, Queen-street, Edgware-road, grocer, March 23. Off. Ass. Graham; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. March 3.

**SABSE, FREDERICK RICHARD**, Rich-terrace West, Old Brompton, clerk in the Foreign Office, March 23. Off. Ass. Stansfield; Sol. Harrison & Co., 19, Bedford-row.—Pet. f. March 5.

**SAUNDERS, JOHN ANNE**, Old Manor-street, Chelsea, builder, March 23. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Jan. 8.

**SAUNDERS, THOMAS**, Printing-house-lane, Blackfriars, carpenter, March 23. Off. Ass. Stansfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 3.

**SCADINAWY, ENRICO GUISEFFE AUGUSTO GIOVANNI**, Gibson-square, Islington, out of business, March 24. Off. Ass. Cannan; Sol. Treherne & Co., 17, Gresham-street.—Pet. f. March 5.

**SEWELL, ROBERT**, Swaffham, Norfolk, attorney-at-law, March 24. Off. Ass. Cannan; Sol. Pilsmaul, 7, South-square, Gray's-inn; Marcon, Swaffham.—Pet. f. March 2.

**TYLER, HENRY**, Canal-place, Old Kent-road, carpenter, March 24. Off. Ass. Cannan; Sol. Buchanan, 13, Basinghall-street.—Pet. f. March 5.

**ZEALTY, THOMAS**, Richardson-street and Guy-street, Bermondsey, fellmonger, March 24. Off. Ass. Edwards; Sol. Swann, 2, Great Knight-riders-street, Doctors'-commons.—Pet. f. March 6.

To be heard in the County.

**ATTOR, ROBERT**, Old Catton, Norfolk, limeburner, March 18, Norwich. Off. Ass. Palmer; Sol. Sudd, Norwich.—Adj. Feb. 17.

**BISHOP, JAMES**, Abberley, Worcestershire, farmer, March 27, Birmingham. Off. Ass. Whitmore; Sol. Wilson, Worcester; Wright, Birmingham.—Pet. f. March 6.

**BLACKWELL, RICHARD**, Birmingham, railway clerk, April 13, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. March 2.

**BLAND, WILLIAM**, Gresham, Rutlandshire, retailer of beer, March 23, Oakham. Off. Ass. Shield; Sol. Law, Stamford.—Pet. f. March 6.

**BOOTH, EDWIN**, Sheffield, Shropshire, maltster, March 23, Birmingham. Off. Ass. Kinnear; Sol. Underhill & Co., Wolverhampton; Green, Birmingham.—Pet. f. March 7.

**BOWDEN, JOSEPH**, Abberington, Devonshire, farmer, March 30, Barnstaple. Off. Ass. Bencraft; Sol. Bromham, Barnstaple.—Pet. f. March 5.

**CLARK, JOSEPH**, Birmingham, cab driver, April 13, Birmingham. Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. March 3.

**CLATTON, ROBERT**, Manchester, bootmaker, March 23, Manchester. Off. Ass. Kay; Sol. Partridge, Manchester.—Pet. f. March 6.

**COSTER, GEORGE, and MILNES, JAMES**, Bolton-le-Moors, Lancashire, manufacturing chemists, March 24, Manchester. Off. Ass. Pott; Sol. Smith & Co., Manchester.—Pet. f. March 7.

**COUPE, SAMUEL**, Oldham, Lancashire, tailor, March 19, Oldham. Off. Ass. Summercales; Sol. Ascroft, Oldham.—Pet. f. March 4.

**DEAN, JOHN**, Higher Walton, Cheshire, wheelwright, March 23, Warrington. Off. Ass. Nicholson; Sol. Edleston, Nantwich.—Pet. f. March 4.

DENTON, NATHANIEL, Cheetham, Lancashire, hatter, March 21, Salford. Off. Ass. Hulton; Sol. Leigh, Manchester.—Pet. f. March 6.

EDWARDS, THOMAS, Hanley, Staffordshire, joiner, March 28, Hanley. Off. Ass. Challinor; Sol. Sutton, Burslem.—Pet. f. March 7.

ELDRID, EDWARD HARD, Horsham, Sussex, veterinary surgeon, March 26, Horsham. Off. Ass. Medwin; Sol. Rawlison, Horsham.—Pet. f. March 3.

EXLEY, WILLIAM, York, currier, March 24, York. Off. Ass. Perkins; Sols. Gell & Co., York.—Pet. f. March 5.

FIELDS, RICHARD, Wrool, Lincolnshire, wheelwright, March 18, Thorne. Off. Ass. Fox; Sol. Marratt, Doncaster.—Pet. f. Feb. 25.

FRAFFELL, JAMES HENRY, Bedminster Down, Somersetshire, lime-burner, March 27, Bristol. Off. Ass. Harley; Sol. Hill.—Pet. f. March 6.

FREEDARD, JAMES, Marlborough, Wiltshire, of no trade, March 20, Bristol. Off. Ass. Acraman; Sols. Holloway, Pewsey; Henderson, Bristol.—Pet. f. March 9.

GRAY, HENRY, Braintree, Essex, butcher, March 21, Braintree. Off. Ass. Cunningham; Sol. Cardinall, Halstead.—Pet. f. March 2.

HAIGH, WILLIAM, Stretford, Lancashire, cooper, March 21, Salford. Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. March 6.

HARRIOTT, JOHN, Birmingham, engraver, April 13, Birmingham. Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Feb. 25.

HELM, ELISHA, Manchester, yarn agent, March 23, Manchester. Off. Ass. Herniman; Sol. Boote, Manchester.—Pet. f. March 7.

HODGSON, RALPH, South Shields, Durham, cooper, March 25, South Shields. Off. Ass. Wawn; Sol. Bowly, South Shields.—Pet. f. Feb. 9.

HOWELL, HENRY, Birmingham, out of employment, April 13, Birmingham. Off. Ass. Guest; Sol. Powell & Co., Birmingham.—Pet. f. March 2.

JONES, ISAAC, Llanvabon, Glamorganshire, innkeeper, March 21, Pontypridd. Off. Ass. Spicket; Sol. Linton, Aberdare.—Pet. f. March 7.

LAKEMAN, JOHN, Barnstaple, Devonshire, out of business, March 30, Barnstaple. Off. Ass. Bencroft; Sol. Bencroft, Barnstaple.—Pet. f. March 3.

LAW, JAMES, Almondbury, Yorkshire, joiner, April 13, Holmfirth. Off. Ass. Jones; Sol. Booth, Holmfirth.—Pet. f. March 3.

LOCKWOOD, JOHN WILLIAM, Cambridge, cabinet maker, March 26, Cambridge. Off. Ass. Eaden; Sols. Whitehead & Co., Cambridge.—Pet. f. March 6.

MILBOURNE, JAMES, Carlisle, Cumberland, draper, March 25, Carlisle. Off. Ass. Hulton; Sol. Donald, Carlisle.—Pet. f. March 5.

MORRELL, GEORGE, Bristol, baker, March 20, Bristol. Off. Ass. Acraman; Sol. Henderson, Bristol.—Pet. f. Feb. 27.

NAYLOR, JOHN, Winterton, Lincolnshire, machine maker, March 31, Barton-on-Humber. Off. Ass. Brown; Sol. Bygott, Barton-on-Humber.—Pet. f. March 7.

PARKIN, NORMAN PENNETT, Sheffield, cabinet-case maker, March 23, Sheffield; Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. March 6.

PERRINS, THOMAS, Birmingham, gun percussioner, April 13, Birmingham. Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. March 3.

PICKER, CHARLES, Lincoln, grocer, March 23, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Toynbee, Lincoln.—Pet. f. March 9.

POWELL, EDWARD, Hereford, fishmonger, March 25, Hereford. Off. Ass. Reynolds; Sol. Gwillim, Hereford.—Pet. f. March 5.

PRIDGON, HENRY READ, Honiton, Devonshire, baker, March 20, Honiton. Off. Ass. Stamp; Sol. Flood, Exeter.—Pet. f. March 4.

ROBERTSON, NATHANIEL, Liverpool, master mariner, March 24, Liverpool. Off. Ass. Morgan; Sols. Duncans & Co., Liverpool.—Pet. f. March 6.

ROSENFELDT, FREDERICK, Kingston-upon-Hull, merchant, March 25, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Hearfield, Hull.—Pet. f. March 4.

ROSS, WILLIAM, Swansea, Glamorganshire, brewer's traveller, March 23, Swansea. Off. Ass. Morris; Sol. Goodere, Cardiff.—Pet. f. March 4.

SHOOT, WILLIAM, Coningsby, Lincolnshire, butcher, March 23, Horn-castle. Off. Ass. Clitherow; Sols. Brown & Co., Lincoln.—Pet. f. March 7.

STAGO, THOMAS, and STAGO, WILLIAM HENRY, Sheffield, tile manufacturers, March 23, Sheffield. Off. Ass. Young; Sol. Fernel, Sheffield.—Pet. f. March 7.

STOCKWELL, WILLIAM JOHN, Newport, Monmouthshire, innkeeper, March 20, Bristol. Off. Ass. Miller; Sol. Cathcart, Newport.—Pet. f. March 9.

TAGMAN, JAMES EVENS, Liverpool, merchant, April 1, Liverpool. Off. Ass. Turner; Sols. Dodge & Co., Liverpool.—Pet. f. March 3.

TAYLOR, WRIGHT, Huddersfield, Yorkshire, woollen manufacturer, March 23, Huddersfield. Off. Ass. Jones; Sol. Leayrd, Huddersfield.—Pet. f. Feb. 28.

TUNSTALL, THOMAS, Coleshill, Warwickshire, wheelwright, March 28, Solihull. Off. Ass. Harding; Sol. East, Birmingham.—Pet. f. Feb. 19.

WILEY, JAMES, Gorleston, Suffolk, fisherman, March 23, Great Yarmouth. Off. Ass. Palmer; Sol. Cusfada, Great Yarmouth.—Pet. f. March 6.

WHITAKER, JOHN, Burley, near Leeds, news agent, March 25, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. March 2.

WHITE, STEPHEN, Piddlehinton, Dorsetshire, farmer, March 24, Exeter. Off. Ass. Hirtzel; Sols. Howard, Weymouth; Terrell, Exeter.—Pet. f. March 7.

WOOLSTECROFT, JOHN, Warrington, Lancashire, hair dresser, March 23, Manchester. Off. Ass. Fraser; Sol. Grundy, Manchester.—Pet. f. March 6.

WOODMAN, RICHARD, Westbury, Shropshire, farmer, March 23, Birmingham. Off. Ass. Kinneer; Sols. Clarke, Shrewsbury; Reece, Birmingham.—Pet. f. March 6.

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## GAZETTES.—FRIDAY, March 13.

## BANKRUPTS.

*To be heard in London.*

- AKNOS, CHARLES, Heathpool-street, Hall-park-place, Paddington, commission horse dealer, March 30. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 11.
- ARMES, BENJAMIN, Stratford, Essex, baker, March 31. Off. Ass. Cannan; Sol. Sedgwick, 10, Lombard-street.—Pet. f. March 9.
- BALLARD, JOHN, Deal, Kent, out of business, March 23. Off. Ass. Graham; Sols. Doyle, 2, Verulam-buildings, Gray's-inn; Delassaux, Canterbury.—Pet. f. March 6.
- BARBER, SARAH, Penton-row, Walworth-road, tailoress, March 24. Off. Ass. Edwards; Sols. Lewis & Co., 10, Ely-place.—Pet. f. March 12.
- BLACK, JAMES, Abingdon-villas, Kensington, commercial clerk, March 26. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 11.
- BLUNDELL, THOMAS, Bromley, Kent, fishmonger, March 24. Off. Ass. Edwards; Sol. Davies, 43, Mincing-lane.—Pet. f. March 9.
- BUTLER, HENRY, New Olney-street, Walworth, dealer in furs, March 23. Off. Ass. Stansfeld; Sol. Waring, 25, Poultry.—Pet. f. Feb. 28.
- FLEMING, JOHN, High-street, Whitechapel, paraffin lamp manufacturer, March 31. Off. Ass. Stansfeld; Sol. Hill, 43, Basinghall-street.—Pet. f. March 11.
- GREEN, WILLIAM BEN NICKOLAS, Pickering-place, Paddington, out of employment, March 31. Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. March 11.
- HAWTHORN, EDWIN, Smith-street, Stepney, brasier, March 24. Off. Ass. Edwards; Sol. Cooper, 9, Charing-cross.—Pet. f. March 5.
- HILL, ALFRED WILLIAM, Bessborough-street, Pimlico, out of business, March 26. Off. Ass. Graham; Sol. Marsden, 30, Walbrook.—Pet. f. March 11.
- JACKSON, FREDERICK MALTBY, North Woolwich, baker, March 31. Off. Ass. Stansfeld; Sol. Hare, 8, Old Jewry.—Pet. f. March 11.
- M'NULTY, BERNARD JOHN, Alma-terrace, Fentiman's-road, Clapham, civil engineer, March 26. Off. Ass. Graham; Sol. Lewis, 257, Hackney-road.—Pet. f. March 7.
- PROBERT, WILLIAM, Castle-street, Leicester-square, coffee-house keeper, March 23. Off. Ass. Graham; Sol. Marshall, 36, Basinghall-street.—Pet. f. March 5.
- STEVENS, WILLIAM RICHARD, Plumstead, Kent, builder, March 23. Off. Ass. Stansfeld; Sol. Orchard, 5, John-street, Bedford-row.—Pet. f. March 9.
- WARNER, MATILDA, Lime-street, City, out of business, March 31. Off. Ass. Cannan; Sol. Eaden, 10, Gray's-inn-square.—Pet. f. March 9.
- WILSON, ROBERT, John's-terrace, Southampton-street, Camberwell, carpenter, March 23. Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. March 9.
- WINTERBORN, ROBERT GEORGE, and ROWLES, ISAAC, Abingdon, Berkshire, and Culham, Oxfordshire, builders, March 23. Off. Ass. Graham; Sol. Meymott, 5, Albion-place, Blackfriars-bridge.—Pet. f. Feb. 27.

*To be heard in the Country.*

- BANKS, WILLIAM HENRY, Liverpool, metal broker, March 26, Liverpool. Off. Ass. Turner; Sol. Conway, Liverpool.—Pet. f. March 9.
- BEARDSLEY, EDMUND, Derby, joiner, March 27, Derby. Off. Ass. Weller; Sol. Leach, Derby.—Pet. f. March 11.
- BOX, JOHN, Chipshop, near Tavistock, Devonshire, blacksmith, April 11, Tavistock. Off. Ass. Bridgman; Sols. Paull & Co., Plymouth.—Pet. f. March 9.
- BURTON, EDWARD, Truro, Cornwall, dealer in earthenware, March 27, Exeter. Off. Ass. Hirtzel; Sol. Hirtzel, Exeter.—Pet. f. March 11.
- CHURCHYARD, JOHN, Norwich, pork butcher, March 30, Norwich. Off. Ass. Palmer; Sol. Chittock, Norwich.—Pet. f. March 9.
- CLARKE, STANTON, Ulceby, Lincolnshire, blacksmith, March 31, Barton-on-Humber. Off. Ass. Brown; Sol. Bygott, Barton-on-Humber.—Pet. f. March 9.
- CREEAR, THOMAS, Barrow, in Furness, Cumberland, engineer, March 23, Ulverston. Off. Ass. Postlethwaite; Sol. Belp, Ulverston.—Pet. f. March 9.
- DERBYSHIRE, JOSEPH, Lower Darwen, Lancashire, innkeeper, March 25, Manchester. Off. Ass. Pott; Sols. Sale & Co., Manchester.—Pet. f. March 3.
- ECKERSLEY, JAMES, Kersley Moor, Lancashire, beer-seller, March 25, Bolton. Off. Ass. Holden; Sol. Richardson, Bolton.—Adj. Feb. 12.
- EDWARDS, THOMAS, Manchester, provision dealer, March 24, Manchester. Off. Ass. Fraser; Sols. Crowther & Co., Manchester.—Pet. f. March 11.
- GIFFARD, JAMES, Stoke-upon-Trent, Staffordshire, tinman, March 23, Stoke-upon-Trent. Off. Ass. Keary; Sols. Tennant & Co., Hanley.—Pet. f. March 6.
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- HILL, MILSON, Newent, Gloucestershire, baker, March 26, Newent. Off. Ass. Cooke; Sol. Wilkes, Gloucester.—Pet. f. March 11.
- HUNT, JAMES, Beaminstor, Dorsetshire, engineer, March 28, Bridport. Off. Ass. Templer; Sol. Manley, Bridport.—Adj. Feb. 13.
- KITSON, CHARLES, Sheffield, file cutter, April 1, Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. March 12.
- LENNY, THOMAS, Kingston-upon-Hull, shoemaker, March 20, Hull. Off. Ass. Phillips; Sol. Reed, Hull.—Pet. f. March 3.
- LORD, JOHN, Manchester, out of business, April 6, Manchester. Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. March 9.

- LOVERIDGE, ROBERT, Redbrook, Gloucestershire, out of business, March 24, Monmouth. Off. Ass. George; Sol. Roberts, Uck.—Pet. f. March 7.
- MARKWICK, JOHN, Brighton coachmaker, April 1, Brighton. Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. March 9.
- NIVEN, JOHN M'CLEMMONT, Brynbo, Denbighshire, lime work manager, March 24, Wrexham. Off. Ass. Edgworth; Sol. Jones, Wrexham.—Pet. f. March 9.
- NORMANNY, ALFRED MACKENZIE, Southampton, tailor, March 25, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. March 11.
- PALMER, THOMAS, Harbury, Warwickshire, butcher, March 21, Southam. Off. Ass. Poole; Sol. Griffin, Leamington.—Pet. f. March 9.
- PARKIN, NORMAN BENNETT, Sheffield, cabinet case maker, March 25, Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. March 6.
- RATLIFF, HENRY GEORGE, Droyloden, near Manchester, out of business, March 28, Salford. Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. March 11.
- RIX, CHARLES, Felstead, Essex, baker, March 25, Dunmow. Off. Ass. Wade; Sol. Cardinal, Halstead.—Pet. f. March 9.
- RYNELL, WILLIAM, Hampton-in-Arden, Warwickshire, licensed victualler, March 27, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. March 9.
- SKEATS, CHARLES, Norwich, lace maker, March 30, Norwich. Off. Ass. Palmer; Sol. Sudd, Norwich.—Pet. f. March 7.
- SOLCA, JOSEPH, and SOLCA, JOHN, Kingston-upon-Hull, looking-glass dealers, March 20, Hull. Off. Ass. Phillips; Sol. Reed, Hull.—Pet. f. Feb. 28.
- SOUTHALL, JOHN, Little Witley, Worcestershire, farmer, April 13, Birmingham. Off. Ass. Kinnear; Sol. Wilson, Worcester.—Pet. f. March 11.
- THOMAS, HENRY WILLIAM, Worcester, shoe manufacturer, March 27, Birmingham. Off. Ass. Whitmore; Sol. Wright, Birmingham.—Pet. f. March 9.
- VELLACOTT, WILLIAM, Lynton, Devonshire, licensed victualler, March 25, Exeter. Off. Ass. Daw; Sol. Floud, Exeter.—Pet. f. March 4.
- WILKINSON, JAMES, Huddersfield, Yorkshire, engraver, March 30, Leeds. Off. Ass. Carrick; Sols. Haigh, Huddersfield; Bond & Co., Leeds.—Pet. f. March 11.
- WILLIAMS, JOHN, Llantrissant, Glamorganshire, bootmaker, March 26, Pontypridd. Off. Ass. Spickett; Sol. Thomas, Pontypridd.—Pet. f. March 9.
- WRIGHT, WILLIAM, Barnard Castle, Durham, linendraper, March 25, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Brignal, Durham.—Pet. f. March 5.
- YOUNG, GEORGE, Chester-le-street, Durham, draper, March 25, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Story, Newcastle-upon-Tyne.—Pet. f. March 11.

## BANKRUPTCY ANNULLED.

BIRT, WILLIAM JACOB, Paddington, gentleman.

## TUESDAY, March 17.

## BANKRUPTS.

*To be heard in London.*

- BASTON, HENRY, St. Agnes-terrace, Tabernacle-square, Finsbury, baker, March 31. Off. Ass. Cannan; Sol. Terry, 13 and 14, King-street, Cheapside.—Pet. f. March 13.
- DAVISON, JAMES PETER, and SEVEN, GERRIT PETER, Limehouse-cumsey, outfitters, April 2. Off. Ass. Graham; Sol. Abbott, 1, St. Mark-street, Great Prescott-street.—Pet. f. March 13.
- DIMMOCK, CHARLES, Cable-street, Wellclose-square, Whitechapel, grocer, March 30. Off. Ass. Stansfeld; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. March 13.
- DOKOO, GODFREY COENZELIUS, Connaught-terrace, Edgware-road, tobacconist, April 2. Off. Ass. Graham; Sol. Wood, 27A, Bucklersbury.—Pet. f. March 12.
- EAGER, ROBERT, Bristol, horse dealer, March 30. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. March 9.
- EATON, WILLIAM, Thoruham Parva, Suffolk, farmer, March 30. Off. Ass. Edwards; Sols. Pollard, Ipswich; Shirriff & Co., 7, Lincoln's-inn-fields.—Pet. f. March 12.
- FISCHER, JOHN MICHAEL, Hermes-street, Pentonville-road, out of business, April 2. Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. March 14.
- GARCIA, DANIEL, King-street, St. James's-place, Aldgate, and Walbrook-row, East-road, Hoxton, fruiterer, March 30. Off. Ass. Edwards; Sol. Hare, 8, Old Jewry.—Pet. f. March 13.
- GASHION, SAMUEL, Lower-street, Islington, dealer in marine stores, March 31. Off. Ass. Stansfeld; Sols. Lewis & Co., 7, Wilmington-square.—Pet. f. March 12.
- HAYES, CHARLES, Great College-street, Camden-town, perfumer, March 30. Off. Ass. Edwards; Sol. Greaves, 8, Gray's-inn-place, Gray's-inn.—Pet. f. March 13.
- HOOD, SAMUEL, Upper Thames-street, and Latimer-road, Notting-hill, iron merchant, March 30. Off. Ass. Edwards; Sols. Linklater & Co., 7, Walbrook.—Pet. f. March 11.
- JAMES, WILLIAM, Upper Mitcham, Surrey, assistant to a chemist, March 31. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 12.
- JONES, MORRIS, Mitre-court, Milk-street, Cheapside, and Angles-villas, New-road, Hammersmith, woollen warehouseman, March 31. Off. Ass. Stansfeld; Sol. Drew, 4, New Basinghall-street.—Pet. f. March 13.

[For continuation of Gazette, see p. 110, col. 2.]



CONTENTS.

London Gazette.....	102
Leading Article .....	103
The Partnership-Law Amendment Bill .....	105
Lord St. Leonards on the Title to Land Registry Act. ....	107
Correspondence .....	108
Books Received .....	108
Bill in Progress .....	108
Court Papers:—Equity Sittings, Easter Term, 1863..	108

NAMES OF THE CASES REPORTED.

PRIVY COUNCIL.

By R. BULLOCK, Barrister at Law.

Henry Wulff Trigge and Alfred Trigge, Appa, Flavian Lavalée, Resp.—( <i>Lower Canada—Seigniorial rights—Old French law—Civil law—“Transac- tion”—“Dol”—“Erreur”</i> ).....	261
---	-----

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

The Stockport District Waterworks Company v. The Mayor, &c. of Manchester and Others.—( <i>Public company—Ultra vires—Rival company—De- murder</i> ) .....	266
---	-----

ROLLS, COURT.

By C. W. CROUCH, Barrister at Law.

Crosskill v. Bower—Bower v. Turner.—( <i>Banking ac- count—Compound interest—Mortgage—Trus- tees</i> ) .....	267
--	-----

VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

In re The Warwick and Worcester Railway Company. —( <i>Practice—Winding up—Service of balance order</i> ) .....	271
--	-----

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister-at-Law.

Beardmore v. Tredwell.—( <i>Brick burning—Nuisance —Injunction—Damages</i> ) .....	272
--	-----

COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Burland and Another v. The Local Board of Health of Kingston-upon-Hull.—( <i>Local board of health— Rate—Charge incurred within six months—Man- damus—11 &amp; 12 Vict. c. 63 (Public Health Act, 1848), s. 89</i> ) .....	275
---	-----

COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

In re The Winteringham Tithes, ex parte Lord Ca- rington.—( <i>Commutation of tithes—Tithe Com- mutation Act, 6 &amp; 7 Will. 4, c. 71, s. 90—Modus —Extinguishment of tithes—Construction of statutes—Tithe Prescription Act, 2 &amp; 3 Will. 4, c. 100</i> ) .....	277
---	-----

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Wilkinson v. Fairrie and Others.—( <i>Case—Negligence —Dark passage</i> ) .....	280
The Attorney-General v. Gardner.—( <i>Succession Duty Act, sects. 12-15—Person taking by appointment made by himself—Devolution</i> ) .....	281

COURT OF PROBATE.

By DR. MIDDLETON.

Christmas and Wife v. Whinyates.—( <i>Will—Mutila- tion—Partial revocation</i> ) .....	283
--	-----

COURT OF ADMIRALTY.

By W. E. BROWNING, Barrister at Law.

The William and John.—( <i>Salvage—Jurisdiction of the justices—Agreement—“Sum claimed,” and “dispute as to the amount of salvage”—Mer- chant Shipping Act, 1854, sect. 460, and Amend- ment Act, sect. 49</i> ) .....	284
--	-----

THE JURIST.

LONDON, MARCH 21, 1863.

MR. ADDERLEY'S bill for inflicting corporal punish-  
ment on persons convicted of garotting and similar  
offences was, on the 11th instant, carried by a ma-  
jority of 131 to 68. The bill was supported by the pro-  
poser, and also by Mr. Hibbert, Colonel North, and  
Sir S. Northcote; and was opposed by Mr. Hadfield,  
Mr. Clay, and Sir George Grey (the Home Secretary).  
The former urged the miserable insufficiency of the  
criminal law to preserve the lives and persons of the  
Queen's subjects from the cruel and cowardly mode  
of highway robbery which has become domiciled among  
us; and that those who pursue that mode are so tho-  
roughly degraded in moral sense, the motives which  
actuate them so low, and their sense of distinguishing  
between right and wrong so degraded, that they can  
be deterred from crime solely by forcible appeals to  
their fear of physical pain. They further urged, that  
this punishment has been found efficacious, under the  
5 & 6 Vict. c. 51, in putting a stop to a practice that  
was then growing up, of committing assaults on the  
Queen, not with any treasonable intent, but from a  
morbid appetite for notoriety at any price.

The opponents of the bill differed in the grounds of  
their opposition to it. One member (Mr. Clay) denied  
the existence of any exceptional state of things to call

for legislation, and spoke of the recent cases of garot-  
ting as mythical. He informed the House, that he  
had dined on Sunday last with three experienced  
police magistrates, one of whom assured him that no  
case of garotting, pure and simple, ever came under  
his notice; and they all told him they were unaware  
of any increase in this class of crime. To this display  
of credulity, Sir S. Northcote replied, "It has been  
said we are legislating on panic, and that many of the  
garotting cases have been exaggerated. But what of  
those which have been tried by judges and juries? In  
the November Sessions at the Central Criminal Court,  
twenty-seven persons had been indicted, and twenty-  
four convicted, for robbery attended by violence in the  
streets of London;" and it proved too much even for  
the Home Secretary (to whose speech we shall pre-  
sently advert), who said, "The right hon. gentleman  
said there were, during the last six months of 1862,  
an unusual number of robberies of violence in the  
streets of London. His hon. friend who had just sat  
down had adverted to some of these cases; and he  
must say, after having investigated them, that there  
had been great exaggerations in very many of the  
cases alleged to have occurred. He could not go so  
far as his hon. friend, and say that there was, during  
last year, no exceptional class of crimes. There were a  
considerable number, far above the usual number, of ro-  
beries with violence in the streets of London." Others  
objected to the punishment of flogging, as "cruel,  
barbarous, and antiquated," and argued, with much  
plausibility, and, we are inclined to think, with truth,

that it would be found inefficient for its purpose. Others, including the Home Secretary, urged, that as a Royal Commission is now sitting on the subject of the treatment of criminals, legislation at the present moment is ill timed—an argument which would have much more force if we could feel assured that that commission would form its judgment on original and unsuspected evidence, and not on the testimony of interested or prejudiced officials, or their loose and fallacious statistics.

The Home Secretary further urged, in opposition to the bill, that he objected to it, because two years ago the criminal law of the country was revised and consolidated, after the bills for that purpose had undergone the mature consideration of a committee, on which sat a number of legal gentlemen, and several members of great experience, as chairmen of quarter sessions. The House ought to examine well the grounds on which they were asked within two years to alter a very material portion of that law after it had been deliberately sanctioned on the unanimous recommendation of that committee, and he said, not that they ought not to retrace their steps if wrong, but that they ought to be well satisfied that they were wrong before they reversed the decision to which they then came. Admitting the correctness of this latter proposition, the question is, is there not ample evidence to shew that the action of the Legislature on that occasion proceeded on grounds at least questionable. There is this special reason for not applying the principle "*vestigia nulla retrorsum*" in this instance. When the 24 & 25 Vict. c. 96, abolished capital punishment for highway robbery, with violence, and some other heinous offences, and substituted penal servitude for life, or a less period, or a term of imprisonment for it, the Legislature most probably (or at least the major part of its members) had not present to its view the fact, that those punishments would not be carried out; but that, in accordance with a rule of prison discipline, penal servitude for life meant penal servitude for fifteen years, unless the convict committed fresh crime, by misconducting himself in prison; with analogous diminution of shorter periods; and that even before the expiration of these reduced periods, the Secretary of State might, and probably would, through the agency of a ticket-of-leave, let him loose on society. If not, here was legislation under a false impression of facts.

The Home Secretary further argued against the bill thus:—"He believed there was a fashion in crime, and the publicity which was given to attacks on members of that House had actually prompted the commission of similar outrages—just as one or two persons throwing themselves from the Monument or the Duke of York's Pillar rendered it necessary that some precautions should be taken against such suicidal acts. What was done in this case? The police were increased, a greater number went about the streets in plain cloths; a number of this class of criminals were apprehended and brought to justice. They were tried at the Central Criminal Court, in the November Sessions, and a large number of them were convicted; and the consequence was, he believed, the number of

robberies with violence did not now exceed the usual amount in a course of years. Those who had been convicted were now suffering the punishment they justly deserved, and where was the necessity for Parliament to step in to alter the law? His hon. friend said this was panic legislation, but this was panic legislation after the panic had subsided." We cannot admit the position that the garotting system has been stopped for the present (and it may be nothing more) by a great increase in the police force, and if it were, an unconstitutional increase of that body is a remedy nearly as bad as the disease. It must not be forgotten that persons, seeing that the law was either unable or unwilling to protect them, took their own defence upon themselves, and went about armed; and that many others, fearful of tempting the dangers of the streets, remained in a state of virtual imprisonment at their homes.

We have witnessed with great satisfaction the result of this debate. We look on it as a deliberate protest by the House of Commons against the almost idiotic course followed by our rulers for some time past, in their dealings with criminals. But although the bill of Mr. Adderley has been successful thus far, it is by no means certain that it will pass into law, nor are we quite satisfied that it ought to do so. Not that we are, in the language of Colonel North, during the debate, "*mealy mouthed about flogging a set of ruffians*," but we doubt whether it is the most effective remedy for the evil. As already intimated, we think that the 24 & 25 Vict. c. 96, was an imprudent and uncalled-for step in legislation, and we do not think that a proposal to repeal it, and restore the common law, which punished these offences capitally, would now be met with the storm of virtuous and blind indignation which would formerly have been its lot. But if this course should be deemed not desirable, the punishment of penal servitude for life, or transportation for life, *provided the sentence is carried out to the letter*, is a far more proper punishment than whipping. This latter is an excellent punishment for cases under the 5 & 6 Vict. c. 51, above referred to, and also for many species of crimes by juvenile offenders, as well as for violation of prison discipline; but is not, especially when in the form presented by the present bill, suited to great offences. On referring to the bill (which will be found in our present impression, p. 108), it will be seen that a person under sixteen years of age cannot receive more than twenty-five lashes with a birch rod, and if above that age may receive fifty; with what instrument is not specified. Surely, before the bill is allowed to pass, this latter part should be amended in committee; for the inflicting such an amount of punishment with a birch rod upon "*a man who was capable of springing like a tiger from his lair upon an innocent pedestrian in the street, throttling him and rifling his pockets*"—and the hon. gentleman might have added, disabling him for years or for life with the blow of a knuckle-duster, in order to deprive his victim of consciousness, and so prevent identification, borders on the ludicrous.

We shall anxiously watch the progress of this bill.

## THE PARTNERSHIP-LAW AMENDMENT BILL.

MR. ARTHUR RYLAND, of Birmingham, has published some observations on this bill, with a view to remove prejudice, by the authority of the "eminent statesmen, lawyers, and political economists," whose evidence was given before the committee of 1851 or the commission of 1854. It would have been fairer to refer also to the eminent authorities against any restriction of the liability of partners—quite sufficient to counterbalance Mr. Ryland's witnesses, who do not agree among themselves, and with all of whom, therefore, Mr. Ryland does not find it possible to agree. For example, Mr. Baron Bramwell, when at the bar and a member of the Mercantile-law Commission of 1854, differing from his colleagues, recommended—

"That persons be allowed, as of right, to form partnerships limiting the liability of one, or more, or all of the partners."

This is not the object of the bill before us, which has been prepared under the instructions of the Birmingham Chamber of Commerce, nor is it an object of which Mr. Ryland approves. The bill proposes to authorise any person to lend money to a trading concern, on the terms of receiving a share in the profits (becoming thereby a limited partner), without incurring liability to the creditors of the concern beyond the amount so lent, provided that the particulars of the transaction, and of the persons concerned, are registered. The time for repaying the loan is to be fixed and registered, but may be accelerated by the death or bankruptcy of one of the general partners; and during a year after repayment, the limited partner is to be liable for the amount to the creditors. The name of the limited partner is not to be used in the firm. He is liable in full, if he receives back any part of the loan before the time. The exact observance of the distinction between capital and profits is, therefore, of vital importance to him.

There is a clause enabling any clerk, manager, or servant to receive payment in proportion to profits, without being liable as a partner, and no registration of the arrangement is required.

Mr. Ryland says, "The bill does not propose to limit the liability of any partner whose name appears on the firm as a partner. Every such partner will continue liable to the full extent of his property; and this is obviously just. The only parties whose liability we seek to limit are those who, in fact, have never been trusted." This, as we have seen, is not, or was not, the opinion of Mr. Baron Bramwell—Mr. Ryland's principal authority. On the other hand, Mr. Baron Bramwell's recommendation, that every firm sharing profits with a limited partner should use the addition "with limited liability," is not adopted, because "it was felt by commercial men to be an awkward requirement!"

Much precision of thought cannot be expected from men who deliberately propose for adoption a measure containing provisions so inconsistent as the two we have mentioned. A. desires to share in the profits of a business—say to the extent of nine-tenths, or ninety-

nine hundredths—without being liable to the creditors at all; or, which is the same thing, beyond the sum of 10*l*. He may do it, the other parties concurring.

1. By registering the names and addresses of himself and the other persons concerned, the nature of the business, the firm, and the time of lending and the time for repayment of the 10*l*. He need not register the share of profits to be taken by him; or,

2. He may agree to be manager, director, clerk, or auditor of, or agent for the district of Whetstone Park for, the person or persons in whose name the business is carried on, receiving a sum in proportion to the profits (which proportion may be the proportion of 99-100ths, or even that of equality—absorbing the whole); and in this case no registration is necessary. Nor is it necessary that he should perform the duties of the office he undertakes to any greater extent than may suit his convenience.

The conditions, therefore, annexed to the provisions in favour of the lending partner, are an empty form.

If the members of the Birmingham Chamber of Commerce, and the other advocates of limited liability, instead of echoing Mr. Baron Bramwell's hasty opinion, that the decision in *Waugh v. Carver* was erroneous (an opinion which he has never ventured to act upon judicially), would take the trouble to consider the principles of mercantile liability, they would, perhaps, see that they are seeking to establish a mischievous anomaly, and that no decision in the reports rests on a wider or sounder basis than that in *Waugh v. Carver*. A merchant is asked to supply goods on credit to A., B., & Co. He does so, and, when he finds it necessary to sue for the price, his first inquiry is, whom shall he sue—to whom does the business belong? Not, probably, to those who appear most conspicuously in the conduct of it—the workmen, shopmen, clerks, foreman, manager. It belongs to those who take the benefit of it—the profits. It belongs to those who are the cause of the business being carried on; and the rule in *Waugh v. Carver* is simply a rule, and the only rational one, for ascertaining the principals or contracting parties to a given contract. Partnership is only one of the cases to which the rule applies, and the necessary propriety and justice of the rule may be seen more clearly by considering it apart from the complication of a partnership:—"If I buy goods in my own name, I must pay for them, and I cannot escape the liability by resolving in my own mind, or on paper, that I will not pay for them. If I employ an agent to buy the goods for me, I do substantially make the purchase myself, as much as if the agent had been my own breath or writing; and the creditor, on discovering the agency, may elect whether he will hold the agent to the letter of his engagement, or take his remedy against me. I cannot prevent this by stipulating with my agent, that I shall not be liable. I might as well stipulate to that effect with the next crossing sweeper. If I employ an agent to do my business, while I take the profits if it is profitable, and put him forward as the only person to bear the losses, it is plain that I am using him as a mask—that I am endeavouring to enjoy the advantages of trade, and to evade its duties, by

resorting to a mere form; and it is reasonable, that the law should prevent this, by deciding according to the substance, and not according to the form<sup>o</sup>."

The common law clearly cannot have any rule inconsistent with that in *Waugh v. Carter*; and from the endless variety and inconsistencies of the schemes which have been from time to time proposed for legalising a limit to the liability of traders, it may be inferred that there is no rational ground for any alteration of the law. Under the proposed bill, a business might be wholly controlled, and the profits of it wholly received, by persons from whom the creditors, in case of failure, would not be able to claim 100l. It is not expedient or just that the title to the profits of a business should be separated from the liability which it involves, or from the ownership and exercise of the abilities and industry employed in carrying it on. Interest and insurance are the proper and the only returns which a capitalist ought to ask for the use of his money. "Profits are the returns, beyond interest on capital and insurance, due to sagacity, skill, honesty, industry, and enterprise, or as they have been men briefly defined, the wages of superintendence. They who have capital, and do not possess or exercise the faculties necessary to turn it to account, have no claim to share in the reward of the exercise of those faculties by others. The idle capitalist should be content to circulate his capital through the channels of the public securities and mortgages. He cannot even discount, for that is a trade requiring skill and application, and a trade of which the utility cannot be too highly rated. Bankers, bill brokers, and others who carry on the trade of discount—middlemen, as they have been called (by way of reproach) between the cautious lender and the speculative borrower—form a class of men whose interest it is to know, and who have the opportunity of learning, the mercantile habits of their customers, that is to say, of all men in a large way of business. They enhance the value of good character, and render to credit such services as are rendered to municipal order by gas-light and the police. They also regulate the supply of money, and prevent those frequent and violent fluctuations which would occur if there were no such medium, endowed with foresight and stability, between the owners and the employers of capital. Now, so far as the commandite system would enable the capitalist, large or small, to ally himself directly and intimately with the employer of his capital, it would substitute for the intelligent caution of the discounting class, the ignorant recklessness of the investing class. It would thin the ranks and reduce the pay of the mercantile police, and in the same degree clear the field for improvidence and imposture. If the Legislature can properly interfere at all, it should do so to encourage the cultivation and exercise of mercantile talents, by preventing the idle capitalist from receiving any greater return than insurance and common interest. It is said by competent observers, that the prevalence of commandite partner-

ships on the Continent has the effect of confining to the class of *gérants* or clerks, men whose commercial abilities would, under a different system, insure their rise to independence<sup>o</sup>." So far from making capital cheap, it makes it dear to those who have the ability to turn it to the best account.

The bill contains some provisions for the registration of partners, which are well meant, but are certainly not fit for use. Every principal or partner in a trading concern not carried on under a firm containing the surnames and Christian names in full of all the partners, without any other name, and without any general addition equivalent to "and company," is required to register an attested statement, signed by every partner resident in the United Kingdom, of the firm, place of business, nature of business, and names of the partners; and "upon any change taking place in the constitution of such firm, or in any of the said particulars of the said business, if the said firm shall be continued to be carried on," there must be a fresh registration, verified, if necessary, by statutory declaration. The penalty is—disability to sue on any contract made "under the name of a firm or style which by this act ought to have been registered." It may, perhaps, be intended that this disability is imposed only in respect of contracts made before due registration. One month is allowed for registration in the first instance; but there is no time of grace for registering alterations in the constitution of the firm.

This is not what is wanted. The scheme is not quite so impracticable as that of Lord Goderich's bill of 1858; but the greater part of the objection we made to that bill are applicable to the present one. It is practically impossible to enforce the registration of every partner, and something short of that must be accepted as sufficient. A merchant or tradesman dies. His business is carried on for the purpose of ultimately winding it up to advantage, or of transferring it to some member of the family, on the settlement of the residuary accounts. This may and often does, continue for many years. In the meantime the residuary legatees or next of kin enter the church, some execute marriage settlements, die, and transmit their shares in various ways. It is impossible to require or expect a prompt and regular, or indeed any, registration of such divisions and subdivisions of a partnership. Clergymen must not enter into trade. Mr. St. Chène bequeaths a share of his residuary estate, of which the copyright in an infidel periodical forms part, to his nephew, who has been brought up to the church. What would be said of an entry of the Rev. Glastonbury Thorne, clerk, "partner to the extent of one-twenty-eighth share in the publication called 'The Reasoner?'" Again: must every author who shares profits with his publisher be made the subject of a distinct registration, in order to entitle the latter to sue his customers? Must all the trustees and all the creditors under a deed of assignment or inspection be registered? And if so, how is this to be done in cases

\* G. Sweet on the Limited Liability Act, 1855, p. 7.

\* Id. 240.

of arrangements binding non-assenting creditors? We must be more moderate in our expectations. It is often difficult, almost impossible, to discover even a single defendant to sue: why should we not be allowed, on filing an affidavit that we cannot ascertain a principal, to bring an action against "the establishment," with service on the door-post, or on the man who takes down the shutters, and with the result, if we obtain judgment, of binding every person interested in the concern, and of having execution on the establishment? It is desirable to facilitate the discovery of secret partners, but, as we have said, any attempt to enforce the registration of all the persons interested in a business would be not only inexpedient, but futile. There might not, perhaps, be much objection to a provision enabling the plaintiff, either in the course of a suit or after judgment, to require each ostensible and each discovered secret partner to disclose, on oath, the names of all other persons interested in the profits. All this, however, would require enactments framed with great knowledge, caution, and skill.

Mr. Ryland can hardly be sincere in saying that the Birmingham Chamber of Commerce, and other chambers, with whom the bill originated, are entitled to speak with some authority on partnership law. He must have been too often bored by the smart or dull (as the case may be) and idle persons who support and infest such associations to believe in their inspiration. He might as reasonably propose to regulate the practice of medicine by the opinion of a club of valetudinarians.

#### LORD ST. LEONARDS ON THE TITLE TO LAND REGISTRY ACT.

"I INQUIRED of a landowner who had sent in his claim in the second week of October, when his title was ready, how he got on; he told me, that three months afterwards his solicitor informed him that he was engaged in correspondence, &c., with other persons, to prove certain technical things, which, in the ordinary investigation of title would not be required, but he hoped in about a week to send in the evidence required, and a detailed description of the property in the required form. The next step would, he imagined, be the sending of an official surveyor to *perambulate* the property, and after that the advertisements, &c. This is not encouraging. Let us pause a moment over this case. The applicant is not far beyond the threshold of the court, for the advertisements are to come, and with them, perhaps, all the consequences which I have pointed out; and if no adverse claimant should appear, much still remains to be done and to be charged for, and the advertisements, *ad valorem* duty, besides other fees, have to be paid. The costs in this case, *previously* to the advertisements (and no case has yet arrived at such a state of maturity as to authorise the advertisements directed by the act), will amount to 130*l.*; and yet here was an estate, part of which had been purchased a few years ago, and the other part but a few months ago, and upon each purchase competent solicitors and counsel were employed, and the titles were thoroughly sifted; and in the result they were approved of by the registrar; but the repetition of the expense, and no doubt an increase of it, can readily be understood when additional abstracts were called for, and copies made of them and of the former abstracts, at an expense of upwards of 25*l.*; whilst the fee of the counsel appointed by the registrar, clerk's fee, and agent's charge of 13*l.* 4*d.*, exceeded 20*l.*; and the costs of examining the ab-

stracts by the solicitor appointed by the registrar, and by the various solicitors attending with him, and of two other solicitors who produced some of the deeds, were not less than 27*l.* and the costs of a plan and survey—the latter by an officer named by the registrar—would be about an equal sum. The other charges were, of course, for letters, attendances, searches, perusals, and such other items as all solicitors' bills exhibit, and include a journey to town by the country solicitor, to confer with the registrar on the course of proceeding. This is one consequence of a metropolitan registry. If, in this particular case, all should run smooth, the owner will, probably, in about a twelvemonth from the time of entering his claim, at a considerable further outlay for advertisements, *ad valorem* and other dues and fees, solicitors charges, &c., obtain a declaration of title which, as I have shewn to you, will leave the estate in *his hands* just as liable to be impeached by an adverse claimant as it was before he availed himself of the powers of the act. The framers of the act could not desire to have a more favourable opportunity of testing its powers. An estate surrounded by no competitors, with a good title recently examined, vested in an owner in fee, free from incumbrances, is just the property which one should have supposed would pass through the court without impediment, and at a small expense. An extensive estate held under several titles, and frequently put in settlement, would, of course, greatly add to the expense and labour of registration.

"We have yet to consider the advertisements. When all which I have pointed out is done, and the description has been settled, and the registrar is satisfied with the title, and with the result of the inquiries made, he is to give notice, by public advertisement, of his intention to register such land with an indefeasible title, at the expiration of a period not less than three months from the date of such advertisement. Pray do not confound these three months with the three months already mentioned.

"Now, the notice is to contain a copy of the description of the land, and the names and descriptions of the applicants for registration—more charges for copies of description. And this direction is made more severe by General Orders, since issued, which require the notice to be advertised in the London Gazette, and in one London paper, and one local newspaper at least, and in more newspapers if the registrar shall so direct; and also in colonial and foreign newspapers, if the registrar shall think it necessary or desirable. Such advertisement shall be repeated as often as the registrar shall direct; and besides the particulars required by the act, the notice is to contain such other particulars as shall be deemed necessary. Notice of the intention to register is to be served on such of the tenants and occupiers of the land as the registrar shall direct. The cost of the mere advertisements would at once, in effect, cut off two or three acres of land of ordinary value. The act then requires what is very necessary, if you will ask for an indefeasible title, but still is somewhat alarming:—A copy of such notice is to be served on every adjoining occupier, and the person (if any) to whom he pays rent. Every adjoining occupier! Whom does the description embrace?"—*Handy Book on Property Law, by Lord St. Leonards, 7th ed.*

We have to announce the death of Digby Cayley Wrangham, Esq., Q. C., with a patent of precedence. The deceased gentleman was well known as a parliamentary counsel, in which branch of the profession his practice was very considerable. He was one of the counsel for the Earl of Cardigan, when tried before the House of Lords some years since.

## Correspondence.

## SHALL WE REGISTER TITLE?

TO THE EDITOR OF "THE JURIST."

SIR,—Mr. Tenison Edwards (ante, p. 81) first scolds me for not understanding that purchasers, mortgagees, &c. are *not* included or pointed at in the expression "he and be deemed to be &c.," and then admits that, if he were writing a strictly legal commentary, he should be of opinion that they do come within the words of the 20th section of the Transfer of Land Act!

"It is quite clear to me that 'G. L.' has not paid sufficient attention to the distinction between indefeasibility 'deemed' and the absolute indefeasibility of a purchaser, mortgagee, &c." Alas! it is not "G. L.," but the Legislature, that has not paid sufficient attention to the distinction. The proposition is, that the *less* includes the *greater*, not that the *greater* includes the *less*—that *what is limited is absolute*.

Mr. Edwards, whilst he admits many of my statements, does not, I venture to say, refute, at least by argument, a single one. He who talks of primary and secondary meanings of a section admits, I think, its obscurity. However, as Mr. Edwards does not profess to defend the verbal structure of the clauses of the Transfer of Land Act, may I not assume, notwithstanding his somewhat elaborate commentary on sect. 20, that he does not represent the verbal structure of this section, with its primary and secondary force, as perfect, or beyond the possibility of question? I think that "the unhappy landowner" alluded to in my letter "on the *proposed* bill" is safe, at all events, for the present.

I may add, that I cannot believe, if I have adopted the convenient *statute-book* heading, "Transfer of Land" Act, in order to save space in your columns, that your readers required Mr. Edwards's somewhat ostentatious reference by way of identification.

Your obedient servant,

Rolls-chambers, Chancery-lane,  
March 9, 1863.

G. L.

## BOOKS RECEIVED.

A Handy Book on Property Law, in a Series of Letters by Lord St. Leonards. Seventh Edition, re-issued with a Portrait of the Author, and the addition of a Letter on the New Laws for obtaining an Indefeasible Title. Post 8vo., pp. 260.—Blackwood.

Woodfall's Law of Landlord and Tenant, with a full Collection of Precedents and Forms of Procedure. The Eighth Edition, by W. R. Cole, Esq., of the Middle Temple, Barrister-at-Law. Royal 8vo., pp. 1167.—Sweet; Maxwell; Stevens, Sons, & Haynes.

## BILL IN PROGRESS.

(Prepared and brought in by Mr. Adderley, Sir Stafford Northcote, and Mr. Garnett.)

A Bill for the further Security of the Persons of her Majesty's Subjects from personal Violence.

Whereas by the 43rd section of the act of the session of the 24 & 25 Vict. c. 96, it is provided, that "whosoever shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob, any person, or shall together with one or more other person or persons rob, or assault with intent to rob, any person, or shall rob any person, and

at the time of, or immediately before or immediately after, such robbery shall wound, beat, strike, or use any other personal violence to any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement:" and whereas the punishment awarded by the said section is insufficient to deter robbers from using violence in the commission of their crimes: be it enacted &c. as follows:—

SECT. 1. Where any person is convicted of a crime under the said section, the court before whom he is convicted may, in addition to, or in substitution for, the punishment awarded by the said section, or any part thereof, direct that the offender, if a male, be once, twice, or thrice publicly or privately whipped, subject to the following provisions:—

- (1). That in the case of an offender whose age does not exceed sixteen years, the number of strokes do not exceed twenty-five, and the instrument used shall be a birch rod:
- (2). That in the case of any other male offender, the conviction shall specify the number of strokes to be inflicted, such number not in any case to exceed fifty.

## Court Papers.

## EQUITY SITTINGS, EASTER TERM, 1863.

## Court of Chancery.

## Before the LORD CHANCELLOR.

## At Westminster.

Wednesday, April 15 { Appeal Motions, Petitions, and Appeals in Bankruptcy.

## At Lincoln's Inn.

Thursday .....	16	
Friday .....	17	
Saturday .....	18	{ Appeals.
Monday .....	20	
Tuesday .....	21	
Wednesday ....	22	{ Appeals in Bankruptcy and Appeals.
Thursday .....	23	{ Appeal Motions and Appeals.
Friday .....	24	
Saturday .....	25	
Monday .....	27	{ Appeals.
Tuesday .....	28	
Wednesday ....	29	{ Appeals in Bankruptcy and Appeals.
Thursday .....	30	{ Appeal Motions and Appeals.
Friday .....	May 1	
Saturday .....	2	
Monday .....	4	{ Appeals.
Tuesday .....	5	
Wednesday ....	6	{ Appeal Petitions and Appeals in Bankruptcy.
Thursday .....	7	{ Appeal Motions and Appeals.
Friday .....	8	{ Appeals.

N. B.—Such days as his Lordship shall be engaged in the House of Lords are excepted.

## Before the LORDS JUSTICES.

## At Westminster.

Wednesday, April 15 { Appeal Motions.

## At Lincoln's Inn.

Thursday .....	16	{ Appeal Motions and Appeals.
Friday .....	17	{ Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	18	
Monday .....	20	{ Appeals.
Tuesday .....	21	



Wednesday ....	23	Appeals.
Thursday .....	23	Appeal Motions and Appeals.
Friday .....	24	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	25	Appeals.
Monday.....	27	Appeals.
Tuesday.....	28	Appeals from the County Palatine of Lancaster and Appeals.
Wednesday ....	29	Appeals.
Thursday .....	30	Appeal Motions and Appeals.
Friday .....	May 1	Petitions in Lunacy, Appeal Petitions and Appeals.
Saturday .....	2	Appeals.
Monday.....	4	Appeals.
Tuesday.....	5	Appeals.
Wednesday ....	6	Appeals.
Thursday .....	7	Appeal Motions and Appeals.
Friday .....	8	Petitions in Lunacy, Appeal Petitions, and Appeals.

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

*Before the MASTER OF THE ROLLS.*

*At Westminster.*

Wednesday, April 15 Motions.

*At Chancery-lane.*

Thursday .....	16	General Paper.
Friday .....	17	General Paper.
Saturday .....	18	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday.....	20	General Paper.
Tuesday.....	21	General Paper.
Wednesday ....	22	General Paper.
Thursday .....	23	Motions and General Paper.
Friday .....	24	General Paper.
Saturday .....	25	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday.....	27	General Paper.
Tuesday.....	28	General Paper.
Wednesday ....	29	General Paper.
Thursday .....	30	Motions and General Paper.
Friday .....	May 1	General Paper.
Saturday .....	2	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday.....	4	General Paper.
Tuesday.....	5	General Paper.
Wednesday ....	6	General Paper.
Thursday .....	7	Motions and General Paper.
Friday .....	8	Petitions, Short Causes, Adjourned Summonses, and General Paper.

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

*At Westminster.*

Wednesday, April 15 { Motions, Adjourned Summonses, and General Paper.

*At Lincoln's Inn.*

Thursday .....	16	General Paper.
Friday .....	17	Petitions, Adjourned Summonses, and General Paper.
Saturday .....	18	Short Causes, Adjourned Summonses, and General Paper.
Monday.....	20	General Paper.
Tuesday.....	21	General Paper.
Wednesday ....	22	General Paper.
Thursday .....	23	Motions, Adjourned Summonses, and General Paper.

Friday .....	24	Petitions, Adjourned Summonses, and General Paper.
Saturday .....	25	Short Causes, Adjourned Summonses, and General Paper.
Monday.....	27	General Paper.
Tuesday.....	28	General Paper.
Wednesday ....	29	General Paper.
Thursday .....	30	Motions, Adjourned Summonses, and General Paper.
Friday .....	May 1	Petitions, Adjourned Summonses, and General Paper.
Saturday .....	2	Short Causes, Adjourned Summonses, and General Paper.
Monday.....	4	General Paper.
Tuesday.....	5	General Paper.
Wednesday ....	6	General Paper.
Thursday .....	7	Motions, Adjourned Summonses, and General Paper.
Friday .....	8	Petitions, Short Causes, Adjourned Summonses, and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.*

*At Westminster.*

Wednesday, April 15 Motions.

*At Lincoln's Inn.*

Thursday .....	16	Causes, &c.
Friday .....	17	Petitions, Causes, &c.
Saturday .....	18	Short Causes, Causes, &c.
Monday.....	20	Causes, &c.
Tuesday.....	21	Causes, &c.
Wednesday ....	22	Causes, &c.
Thursday .....	23	Motions, Causes, &c.
Friday .....	24	Petitions, Causes, &c.
Saturday .....	25	Short Causes, Causes, &c.
Monday.....	27	Causes, &c.
Tuesday.....	28	Causes, &c.
Wednesday ....	29	Causes, &c.
Thursday .....	30	Motions, Causes, &c.
Friday .....	May 1	Petitions, Causes, &c.
Saturday .....	2	Short Causes, Causes, &c.
Monday.....	4	Causes, &c.
Tuesday.....	5	Causes, &c.
Wednesday ....	6	Causes, &c.
Thursday .....	7	Motions, Causes, &c.
Friday .....	8	Petitions and Short Causes.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

No Cause, Motion for Decree, or Further Consideration shall, except by order of the Court, be marked to stand over, if it shall be within twelve of the last cause or matter in the printed paper of the day for hearing.

*Before the Vice-Chancellor Sir W. P. WOOD.*

*At Westminster.*

Wednesday, April 15 Motions.

*At Lincoln's Inn.*

Thursday .....	16	General Paper.
Friday .....	17	General Paper.
Saturday .....	18	Petitions, Short Causes, and General Paper.
Monday.....	20	General Paper.
Tuesday.....	21	General Paper.
Wednesday ....	22	General Paper.
Thursday .....	23	Motions and General Paper.
Friday .....	24	General Paper.
Saturday .....	25	Petitions, Short Causes, and General Paper.

Monday.....	27	} General Paper.
Tuesday.....	28	
Wednesday....	29	
Thursday.....	30	Motions and General Paper.
Friday.....	May 1	General Paper.
Saturday.....	2	Petitions, Short Causes, and General Paper.
Monday.....	4	} General Paper.
Tuesday.....	5	
Wednesday....	6	
Thursday.....	7	Motions and General Paper.
Friday.....	8	Petitions, Short Causes, and General Paper.

N. B.—Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put in the paper to be so heard.

**CHANGE OF NAME.**—In the debate in the House of Commons on Wednesday, on Mr. Roebuck's motion, the Solicitor-General said the discussion was very interesting, but not of very great importance to the country at large. But, at the risk of appearing to his hon. and learned friend to err in his law, he must say that to the best of his belief there was no positive law on this subject. The fact was, that surnames grew up mostly as nicknames, of which the hon. and learned member had given an amusing example. That very origin shewed that there was no positive law on the subject. It was a matter of usage and reputation from the beginning; the name clung to a man, and the law permitted him to shuffle it off if he could. There was no law forbidding a man to change his name, but there was also no law which compelled his neighbour to acknowledge him under the name he might assume. It reminded him of the saying of Owen Glendower,

"I can call spirits from the vasty deep."

Hotspur rejoined—

"Why so can I, or so can any man;

"But will they come when you do call for them?"

It was exactly the same with these names. Everybody was at liberty, if he pleased, to change his surname, but no one else was obliged to recognise the change unless he pleased. When, however, by usage, a man had acquired a name by reputation, then persons in public authority were obliged to acknowledge the new surname. His hon. and learned friend had spoken as if the courts of law were obliged to comply with the request of an attorney who might wish to change his name. In the case mentioned by his hon. and learned friend, the Court seeing nothing to the contrary, and being told by the attorney that he intended to use his new surname in future, thought it right—as it was a case in which a man would probably put his name on a brass-plate on his door, and be invariably known by his new name—to grant the application; but in granting the very last application of this kind, Lord Chief Justice Cockburn expressly guarded himself against laying down the rule, that a man had a legal right to call upon the Court to alter his name on the rolls. He said the Court did it for convenience. There was no law on the subject, but when there appeared to be nothing arbitrary or improper, and when there was no encroachment on the feelings and rights of others, then it was courteous to accede to the wish of a person who might desire to change his name. There was, however, no principle of law that any person occupying an official position was bound to recognise a capricious or arbitrary assumption of names by persons who had no right to them, either by descent or by the inheritance of property.

**COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen to be Commissioners to administer oaths in the High Court of Chancery:—In London—Robert Boulton, of No. 24, Argyle-square, Euston-road. In England—William Charles Luard, Gent., of Cardiff, Glamorganshire; Joseph Walker, of Stourbridge, Worcestershire; and Charles Edward Large, of Leamington Priors, Warwickshire.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—George Brydges Rodney Anderson, of Ludlow, Shropshire, in and for the county of Salop; and Henry Sweet Hodding, of Worksop, Nottinghamshire, in and for the county of Nottingham.

- KERRISON, JAMES, Norwich, grocer, March 30. Off. Ass. Graham; Sols. Doyle, 2, Verulam-buildings, Gray's-inn; Sadd, Norwich.—Pet. f. March 12.
- LASARUS, SAMUEL MARK, Barnes-place, Mile-end-road, out of business, April 2. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 16.
- LENEBERG, LOUIS, Oxford-street, cornice pole manufacturer, March 30. Off. Ass. Graham; Sol. Woolf, 17, King-street, Cheapside.—Pet. f. March 13.
- MORRALL, JOHN JAMES, Eden-place, Old Kent-road, leather dresser, March 31. Off. Ass. Cannan; Sol. Wood, 4, Coleman-street-buildings.—Pet. f. March 12.
- PRARMAN, GEORGE, Henley-on-Thames, Oxfordshire, bootmaker. Off. Ass. Edwards; Sols. Cooper, Henley; Berkeley & Co., 52, Lincoln's-inn-fields.—Pet. f. March 12.
- PRINSON, SAMUEL, Sun-street, Bishopsgate, and Norfolk-terrace, West Hackney, furnishing ironmonger, March 30. Off. Ass. Edwards; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. March 11.
- PROUT, CHARLES, Great Titchfield-street, Oxford-street, tailor, March 31. Off. Ass. Cannan; Sol. Hill, 43, Basinghall-street.—Pet. f. March 14.
- RALPH, JOHN, River-street, York-road, King's-cross, gas-lighter, March 30. Off. Ass. Stansfeld; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. March 13.
- REED, WILLIAM, Hermondsey-square, Surrey, baker, March 31. Off. Ass. Cannan; Sol. Foord, Pinner's Hall, Old Broad-street.—Pet. f. March 12.
- RENWICK, REUBEN, Gracechurch-street, City, and Frederick-place, Bow, stationer, March 30. Off. Ass. Edwards; Sols. Preston & Co., 13, Gresham-street.—Pet. f. March 11.
- ROBINSON, JOSEPH GALIFFE, Delamere-crescent, Paddington, retired lieutenant, March 31. Off. Ass. Cannan; Sols. Harrison & Co., 5, Walbrook.—Pet. f. March 12.
- RUSHWORTH, GEORGE, Acre-terrace, New-road, Wandsworth-road, mason, March 30. Off. Ass. Edwards; Sol. Dubois, 56, Coleman-street.—Pet. f. March 13.
- SPARMAN, HENRY MILLS, Basinghall-street, attorney-at-law, March 30. Off. Ass. Stansfeld; Sols. Thomson & Co., 60, Cornhill.—Pet. f. March 6.
- STRANGE, FREDERICK WILLIAM, Hatfield, Herefordshire, straw-hat manufacturer, March 30. Off. Ass. Stansfeld; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. March 14.
- THORNE, JAMES HENRY, Grove-place, Brompton, commission agent, March 30. Off. Ass. Graham; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. March 13.
- WALTON, WILLIAM PITT, Bury-street, Bloomsbury, out of business, March 30. Off. Ass. Graham; Sol. Woolf, 17, King-street, Cheapside.—Pet. f. March 13.
- WOOD, ROBERT, Woodchester-street, Harrow-road, Paddington, stonemason, March 31. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 13.
- WOODMAN, THOMAS PETER, Sandgate, Kent, butcher, March 30. Off. Ass. Edwards; Sols. Nichols & Co., 9, Cook's-court, Lincoln's-inn.—Pet. f. March 6.

#### To be heard in the Country.

- ALLAN, MATTHEW, Boston Spa, Yorkshire, seed merchant, March 27. Leeds. Off. Ass. Young; Sol. Simpson, Leeds.—Pet. f. March 6.
- APPLETON, CHARLES HENRY, Bristol, clerk to a railway company, March 27. Bristol. Off. Ass. Acraman; Sols. Clifton & Co., Bristol.—Pet. f. March 13.
- ASTIN, JONATHAN, Bury, Lancashire, grocer, April 2, Bury. Off. Ass. Grundy; Sol. Watson, Bury.—Pet. f. March 11.
- BAKER, JAMES, Liverpool, shoemaker, March 31, Liverpool. Off. Ass. Morgan; Sol. Henry, Liverpool.—Pet. f. March 13.
- BASFORD, WILLIAM, Burslem, Staffordshire, brickmaker, April 10, Birmingham. Off. Ass. Whitmore.—Adj. March 13.
- BLACKMORE, ARTHUR, Castleford, Yorkshire, innkeeper, and Featherstone, Yorkshire, glass-bottle manufacturer, April 13, Leeds. Off. Ass. Cartick; Sols. Bradley, Castleford; Bond & Co., Leeds.—Pet. f. March 14.
- BLAGBURN, JOHN JAMES, and BLAGBURN, ROBERT, Gateshead, Durham, tallow merchants, March 30, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Storey, Newcastle-upon-Tyne.—Pet. f. March 12.

**BOOTH, LEWIS**, Shiphal (and see Sheffield, as before advertised), Shropshire, maltster, March 23, Birmingham. Off. Ass. Kinnear; Sol. Underhill & Co., Wolverhampton; Green, Birmingham.—Pet. f. March 7.

**BORRAT, DANIEL**, Bolton, Lancashire, cart-sheet manufacturer, March 28, Bolton. Off. Ass. Holden; Sol. Edge, Bolton.—Pet. f. March 12.

**BUSHELL, ALFRED**, Sandwich, Kent, market gardener, March 28, Sandwich. Off. Ass. Hall; Sol. Mourilyan, Sandwich.—Pet. f. March 12.

**CLIFFORD, ROBERT**, Stanton St. Quintin, Wiltshire, out of business, March 28, Chippenham. Off. Ass. Phillips; Sol. Bakewell, Chippenham.—Pet. f. March 13.

**COGSWELL, HENRY DIXON**, Bristol, pawnbroker, March 28, Bristol. Off. Ass. Miller; Sol. Benson, Bristol.—Pet. f. March 14.

**CROOK, JOHN**, and **CROOK, THOMAS**, Chorley, Lancashire, fish dealers, April 2, Manchester. Off. Ass. Hernaman; Sol. Gardener, Manchester.—Pet. f. March 12.

**DAVIS, CHARLES**, Bristol, commercial traveller, March 27, Bristol. Off. Ass. Harley; Sol. Bevan & Co., Bristol.—Pet. f. March 9.

**ELLIS, WILLIAM**, Pontypool, Monmouthshire, grocer, March 27, Bristol. Off. Ass. Acraman; Sol. Greenway & Co., Pontypool; Bevan & Co., Bristol.—Pet. f. March 12.

**FREEDBODY, JANE**, Seacombe, Cheshire, teacher, March 30, Liverpool. Off. Ass. Hime; Sol. Evans & Co., Liverpool.—Adj. March 9.

**GOUGH, RICHARD**, Histon-on-the-Green, Gloucestershire, March 27, Bristol. Off. Ass. Miller; Sol. Brittan, Bristol.—Adj. March 12.

**GRAFFITHS, JOSEPH**, Leintwardine, Herefordshire, saddler, April 15, Ludlow. Off. Ass. Williams; Sol. Weyman, Ludlow.—Pet. f. March 11.

**GROOCCOCK, JOSEPH**, Birmingham, tool grinder, April 13, Birmingham. Off. Ass. Guest; Sol. Powell & Co., Birmingham.—Pet. f. March 11.

**GWILLIAM, WILLIAM**, Puckleechurch, near Chipping Sodbury, Gloucestershire, nailer, March 28, Sodbury. Off. Ass. Harley; Sol. Sabine, Bristol.—Adj. Feb. 12.

**HIBBERTON, GEORGE**, Lyme Regis, Dorsetshire, attorney, April 1, Exeter. Off. Ass. Hirtzel; Sol. Clarke, Exeter.—Pet. f. March 12.

**HOLLIS, GEORGE**, Handsworth, Staffordshire, licensed victualler, April 10, Birmingham. Off. Ass. Whitmore; Sol. Mitton, Birmingham.—Pet. f. March 16.

**HORTON, JOSEPH**, Bromsgrove, Worcestershire, baker, April 13, Birmingham. Off. Ass. Kinnear; Sol. Southall & Co., Birmingham.—Pet. f. March 13.

**HUDSON, SAMUEL**, Rawden, near Otley, Yorkshire, cloth weaver, March 28, Otley. Off. Ass. Carr; Sol. Harle, Leeds.—Pet. f. March 7.

**HUDSON, THOMAS**, Fleetwood, Lancashire, fishmonger, March 27, Liverpool. Off. Ass. Turner; Sol. Clarkson, Fleetwood; Haigh & Co., Liverpool.—Pet. f. March 12.

**INGRAM, GEORGE**, Coventry, Warwickshire, out of business, March 31, Coventry. Off. Ass. Kirby; Sol. Smallbone, Coventry.—Pet. f. March 11.

**KERSHAM, JOHN**, Tredegar, Monmouthshire, draper, March 27, Bristol. Off. Ass. Miller; Sol. Brittan, Bristol.—Adj. March 9.

**KINSEY, GEORGE BAKER**, Bardwell, Suffolk, grocer, March 25, Bury St. Edmunds. Off. Ass. Collins; Sol. Walpole, Buryton.—Pet. f. March 11.

**LEACH, GEORGE**, Norton, and Stockton, Durham, painter, March 30, Stockton. Off. Ass. Crosby; Sol. Richmond, Stockton.—Pet. f. March 14.

**LEWIS, JOHN**, Liverpool, butcher, March 31, Liverpool. Off. Ass. Hime; Sol. Hubbard, Liverpool.—Pet. f. March 12.

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JANVRY, FREDERICK WILLIAM; GRASSIE, THOMAS RITCHIE; and DE LIELE, ALFRED THEODORE, Austin-friars, merchants, March 31. Off. Ass. Cannan; Sols. Cotterill & Co., 32, Throgmorton-street.—Pet. f. March 14.

KNIGHT, GEORGE, Victoria-road, Dalston, mantle manufacturer, March 31. Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 16.

LAZARD, DESIRÉ FREDERICK, St. Martin's-lane, embroiderer, April 2. Off. Ass. Graham; Sol. Lewis, 22, Marlborough-street.—Pet. f. March 17.

LORD, CHARLES CHINNERY, King-street-terrace, New North-road, Islington, tailor, April 8. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 16.

M'GAMAN, JOHN, Grafton-crescent, Kentish-town, plumber, March 30. Off. Ass. Edwards; Sol. Cowland, 14, Lincoln's-inn-fields.—Pet. f. March 18.

M'KAY, ALEXANDER YOUNG, Norwich, draper, March 31. Off. Ass. Stanfield; Sols. Sole & Co., 68, Aldermanbury; Miller & Co., Norwich.—Pet. f. March 9.

MOORE, THOMAS, Leadenhall-street, and St. John's-terrace, Deptford, shipping agent, April 8. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 18.

MURPHY, WILLIAM, Earith, Huntingdonshire, licensed victualler, April 8. Off. Ass. Cannan; Sols. Gibbs & Co., 3, Lothbury.—Pet. f. March 18.

NEWMAN, MATTHEW, Ryde, Isle of Wight, hotel keeper, March 31. Off. Ass. Stanfield; Sols. Sole & Co., 68, Aldermanbury.—Pet. f. March 18.

PENICUD, JOHN, De Beauvoir-terrace, Kingsland, and MILLAR, ALEXANDER, Claremont-square, chemists, March 30. Off. Ass. Stanfield; Sol. Busby, 80, Gloucester-street, Kentish-town.—Pet. f. March 16.

PHILLIPS, ABRAHAM, Hackney-road, shoe manufacturer, March 30. Off. Ass. Edwards; Sol. Lewis, 257, Hackney-road.—Pet. f. March 18.

POWER, WILLIAM, West-street, Globe-fields, Bethnal-green, horse dealer, March 30. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 16.

STEWART, WILLIAM SMITH, New Charlton, Kent, labourer, April 8. Off. Ass. Cannan; Sol. Cooper, 9, Charing-cross.—Pet. f. March 16.

STONE, GEORGE, Ecclestone-place, Pimlico, horsekeeper, March 30. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 16.

THIEDEMANN, OTTO, Argyle-street, Regent-street, tailor, March 30. Off. Ass. Stanfield; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. March 18.

VEVERS, JOHN, Greenwich, commission agent, March 30. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 17.

VOOGT, ANTHONY, Carburton-street, Marylebone, clockmaker, March 30. Off. Ass. Edwards; Sol. Hare, 8, Old Jewry.—Pet. f. March 14.

WORLDIDGE, JAMES, Woolwich, general dealer, April 8. Off. Ass. Cannan; Hughes, Woolwich.—Pet. f. March 17.

*To be heard in the Country.*

ADAMSON, THOMAS, Nottingham, baker, April 22, Nottingham. Off. Ass. Patchitt; Sol. Payne, Nottingham.—Pet. f. March 19.

ASCROFT, JAMES LOWTHIAN, Everton, near Liverpool, bookkeeper, April 10, Liverpool. Off. Ass. Turner; Sol. Browne, Liverpool.—Pet. f. March 16.

BARRATT, WILLIAM, Wakefield, nurseryman, April 9, Leeds. Off. Ass. Young; Sol. Simpson, Leeds.—Pet. f. March 17.

BENNETT, WILLIAM PILSWORTH, West Dean, Gloucestershire, labourer, March 27, Monmouth. Off. Ass. George; Sol. Whitley, Mitcheldean, Gloucestershire.—Pet. f. March 12.

BEST, JOHN, Church Fenton, Yorkshire, wheelwright, March 31, Tadcaster. Off. Ass. Bickers; Sol. Harle, Leeds.—Pet. f. March 16.

BETHEWAY, ROBERT, Fletton, Huntingdonshire, out of business, April 4, Peterborough. Off. Ass. Gaches; Sol. Taylor, Peterborough.—Pet. f. March 16.

BIRNS, ISAAC, Clayton, Yorkshire, shopkeeper, April 15, Bradford. Off. Ass. Robinson; Sol. Hill, Bradford.—Pet. f. March 17.

BLAIR, ARCHIBALD, Liverpool, provision dealer, April 1, Liverpool. Off. Ass. Morgan.—Adj. March 17.

BLAKE, JAMES, Landport, Portsea, carpenter, April 4, Portsmouth. Off. Ass. the registrar; Sols. Ford & Co., Portsea.—Pet. f. March 13.

BRADFORD, JOHN, Rowley Regis, Staffordshire, grocer, April 2, Dudley. Off. Ass. Walker; Sol. Collis, Stourbridge.—Pet. f. March 18.

BROWN, WILLIAM, Durham, dealer in music, March 31, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Bignall, Durham.—Pet. f. March 13.

BURBY, WILLIAM, Long Itchington, Warwickshire, licensed victualler, April 10, Birmingham. Off. Ass. Whitmore; Sol. Overall, Leamington Priory.—Pet. f. March 17.

COLE, CHARLES, Scarborough, Yorkshire, innkeeper, April 4, Scarborough. Off. Ass. Coulson; Sol. Cornwall, Scarborough.—Pet. f. March 18.

COULSON, MUSGRAVE, Pudsey, Yorkshire, cloth weaver, April 15, Bradford. Off. Ass. Robinson; Sol. Hill, Bradford.—Pet. f. March 17.

COUNIHAN, JOHN JOSEPH, Liverpool, spirit merchant, April 2, Liverpool. Off. Ass. Hime; Sol. Price, Liverpool.—Pet. f. March 16.

DEAN, WILLIAM, Birmingham, engineer, April 13, Birmingham. Off. Ass. Kinnear; Sols. Collis & Co., Birmingham.—Pet. f. March 14.

DICKINSON, EDWARD, Liverpool, comb manufacturers, April 1, Liverpool. Off. Ass. Morgan; Sol. Harris, Liverpool.—Pet. f. March 17.

FAIRBY, THOMAS, Toft, Lincolnshire, boot maker, March 30, Bourne. Off. Ass. Bell. Sol. Bell, 3, Great James-street, Bedford-row.—Pet. f. March 16.

FISHBURN, GEORGE, Melsomby, Yorkshire, grocer, April 8, Richmond. Off. Ass. Tomlin; Sol. Wooler, Darlington.—Adj. Jan. 13.

HALL, EDWARD SAMUEL, Liverpool, watch manufacturer, April 9, Liverpool. Off. Ass. Morgan; Sol. Henry, Liverpool.—Pet. f. March 18.

HARRIS, THOMAS, Norbury, near Bishop's Castle, Shropshire, farmer, April 13, Birmingham. Off. Ass. Kinnear; Sol. Duke, Birmingham.—Pet. f. March 16.

HARRIS, WILLIAM, Rhylfelen, Glamorganshire, grocer, March 31, Bristol. Off. Ass. Miller; Sol. Treney, Bristol.—Pet. f. March 17.

JENKINS, JOHN, Blakeney, Gloucestershire, saddler, April 13, Newnham. Off. Ass. Mason; Sols. Borlase & Co., Mitcheldean.—Pet. f. March 16.

JOHNS, CONSTANT FREDERICK, Penzance, Cornwall, French interpreter, March 28, Penzance. Off. Ass. Paynter; Sol. Millett, Penzance.—Pet. f. March 12.

JONES, JOSEPH, Rowley Regis, Staffordshire, nail factor, April 2, Dudley. Off. Ass. Walker; Sol. Maltby, Dudley.—Pet. f. March 13.

KAY, THOMAS YOUNG, Kingston-upon-Hull, draper, April 1, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Chester, Hull.—Pet. f. March 18.

LAWRENCE, GEORGE, Wednesbury, Staffordshire, builder, March 24, Walsall. Off. Ass. Clarke.—Adj. March 13.

LESTER, JAMES, Sedgley, Staffordshire, labourer, April 2, Dudley. Off. Ass. Walker; Sol. Maltby, Dudley.—Adj. March 13.

LEWIS, JOHN, Cardiff, Glamorganshire, general merchant, March 31, Bristol. Off. Ass. Acraman; Sol. Brittan, Bristol.—Pet. f. March 18.

MASMAN, FRANCIS, Thornton Steward, Yorkshire, farmer, May 1, Leyburn. Off. Ass. Robinson; Sol. Teale, Leyburn.—Pet. f. March 18.

MATTHEWS, WILLIAM, Nottingham, beer-house keeper, April 1, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Pet. f. March 16.

MEWSE, EDWARD, Kingston-upon-Hull, confectioner, April 1, Hull. Off. Ass. Phillips; Sol. Walker, Hull.—Pet. f. March 17.

NASH, SAMUEL, Liverpool, baker, March 31, Liverpool. Off. Ass. Morgan; Sol. Samuel, Liverpool.—Pet. f. March 14.

PEAKE, ISAAC, Prince's End, near Tipton, Staffordshire, miner, April 2, Dudley. Off. Ass. Walker; Sol. Maltby, Dudley.—Adj. March 13.

PENSON, CHARLES, Chipping Campden, Gloucestershire, licensed victualler, April 4, Shipston-on-Stour. Off. Ass. Nicoll; Sols. Griffiths & Co., Chipping Campden.—Pet. f. March 17.

PERCIVAL, JOHN, Manchester, shoemaker, March 31, Manchester. Off. Ass. Pott; Sol. Boote, Manchester.—Pet. f. March 18.

QUINN, THOMAS, Liverpool, hosier, April 8, Liverpool. Off. Ass. Hime; Sol. Evans, Liverpool.—Pet. f. March 17.

ROBERTS, JOHN BARLOW, Liverpool, tobacconist, April 10, Liverpool. Off. Ass. Morgan; Sols. Evans & Co., Liverpool.—Pet. f. March 11.

ROOK, THOMAS, Cockermouth, Cumberland, tailor, March 30, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Walker, Cockermouth; Hodge & Co., Newcastle-upon-Tyne.—Pet. f. March 13.

SMITH, GEORGE, Northampton, tin-plate worker, April 4, Northampton. Off. Ass. Dennis; Sols. Shield & Co., Northampton.—Pet. f. March 17.

TRANTER, WILLIAM, Worcester, carpenter, April 8, Worcester. Off. Ass. Hill; Sol. Wilson, Worcester.—Pet. f. March 12.

WHITE, JOHN, Aldworth, Berkshire, blacksmith, April 1, Wantage. Off. Ass. Jotcham; Sol. Slocombe, Reading.—Pet. f. March 6.

WILLIAMS, REBECCA, Liverpool, milliner, April 10, Liverpool. Off. Ass. Morgan; Sols. Anderson & Co., Liverpool.—Pet. f. March 19.

WRIGHT, WILLIAM, Boston Spa, Yorkshire, cab proprietor, March 31, Tadcaster. Off. Ass. Bickers; Sol. Harle, Leeds.—Pet. f. March 16.

## PARTNERSHIP DISSOLVED.

LYNE, FREDERICK LEWIS, and FAREINGTON, HENRY BORROW, Bucklebury, attorneys and solicitors.

## TUESDAY, March 24.

## BANKRUPTS.

*To be heard in London.*

ALSTON, HENRY CHARLES, Bruce-villas, Richmond-road, Hackney, assistant to a warehouseman, April 13. Off. Ass. Graham; Sols. Ashley & Co., 7, Old Jewry.—Pet. f. March 11.

[For continuation of Gazette, see p. 118, col. 2.]

CONTENTS.

London Gazette.....	114
Leading Article .....	115
Correspondence .....	117
Books Received .....	117
Alteration of Fees directed to be taken in the Principal Registry of the Court of Probate .....	117
Bill in Progress .....	117
Imperial Parliament .....	118

NAMES OF THE CASES REPORTED.

HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

Gemmell v. Macallister.—(Solicitor and client—Preparation of securities—Knowledge obtained by—Notice—Parol evidence—Admission of evidence to vary) .....	285
--	-----

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Ex parte Barney, in re Horton.—(Bankruptcy—Disputed adjudication—Absence without reasonable cause—Costs) .....	286
--	-----

COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Ogden v. Fosick.—(Specific performance of part—Mutuality—Part performance) .....	288
--	-----

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

In re The Waterloo Life Insurance Company.—(Winding up—Companies Act, 1862, sects. 207, 209, 210) .....	291
In re The Waterloo Life Insurance Company (2).—(Winding-up order—Execution by judgment creditor—Injunction) .....	292
Ford v. Tennant.—(Solicitor and client—Privileged communications) .....	292

VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

Banks v. Braithwaite.—(Will—Gift until alienation) .....	294
Colyer v. Colyer.—(Practice—Order to attend) ....	294

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Price v. Ley.—(Vendor and purchaser—Agreement, mistake in—Parol evidence—Agreement set aside—Costs) .....	295
---	-----

VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

In re The Joint-stock Companies Winding-up Acts, 1848, 1849, and 1857, and in re The State Fire Insurance Company.—Meredith's and Conner's Claims.—(Insurance company—Winding up—Limited liability—Bill of exchange—7 & 8 Vict. c. 110—Agent—Foreign creditor—Notice—Act of Parliament—Damages—Lex loci contractus). 296
--

COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Hales and Another, Executors of Hales, Deceased v. Stevenson.—(Statute of Limitations, acknowledgment to take case out of—Reference to arbitration) .....	300
---	-----

COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Lascaridi v. Gurney.—(Partnership—Winding up—Abortive deed of assignment, &c.—Effect of one party to such deed not executing it) .....	302
--	-----

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Mounsey v. Ismay.—(Custom—Horse-racing) .....	306
Cockrell v. Sparke.—(Mercantile Law Amendment Act—Payment by maker of joint and several promissory note—Statute of Limitations) .....	307
Hodgson v. Wightman.—(Bankruptcy Act, 1861—Registration of composition deeds) .....	308

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. E. BROWNING, Barrister at Law.

Cooke v. Cooke.—(Cruelty—Condonation—Lapse of time) .....	309
---	-----

COURT OF PROBATE.

By DR. MIDDLETON.

In the Goods of J. E. Flitock, Deceased.—(Administration—Jurisdiction) .....	311
In the Goods of John Jenkyns, Deceased.—(Testamentary paper—Execution—Signed by direction of testator—Stamp) .....	311

COURT OF ADMIRALTY.

By W. E. BROWNING, Barrister at Law.

The Ella A. Clark.—(Necessaries—Foreign ship—Transfer to British owner—3 & 4 Vict. c. 65, s. 6—"Any ship"—"Owner"—24 Vict. c. 10, s. 5) . 312
---

THE JURIST.

LONDON, MARCH 28, 1863.

SIR JOHN TRELAWNY'S bill for allowing simple affirmation instead of oath in certain cases has been rejected on the second reading, by a majority of 142 to 96. It was supported by Sir John Trelawny, Mr. Roebuck, Sir F. Goldsmid, Mr. Locke, Mr. Ingham, Mr. Coningham, and Sir C. Douglas; and opposed by the Attorney-General, Sir J. Ferguson, and Mr. Henley. Mr. Knightley also spoke, but his observations appear to have been inaudible. The absence of more names of practising lawyers from the debate may perhaps be explained by the circumstance of the bill having been proceeded with during the circuits.

This is the third bill of this kind that has been rejected, and we wish some other member would take up the important question which it involves, in order to its being definitively settled, by removing what we cannot help thinking a defect in our procedure, and at the same time avoiding the indecorous and dan-

gerous remedy prescribed by the bills of Sir J. Trelawny.

The object of the bill, as our readers doubtless are aware, was to meet the case of infidels called to serve on juries, or to give evidence as witnesses in courts of justice, all of whom are by the existing law excluded from so doing; and also that of children too young to be sworn. By the term "infidels" here is meant not merely persons of heterodox views on religion, or even out of the pale of the Christian faith, but persons who do not recognise the existence of a Supreme Being, the rewarder of truth and avenger of falsehood among men. And before proceeding farther we must take notice of the following topic urged by Sir C. Douglas, in support of the bill:—"In a recent case a witness, who said he was a member of the Affirmation Society, and a member of Holyoake's party, requested to be allowed to make an affirmation, instead of taking the oath. The judge asked him what motive he had to speak the truth, to which he replied, 'Honour.' 'Do you believe,' continued the judge, 'that by not speaking the truth you will incur punishment in a future state?' 'No,' returned the witness, 'I believe we shall



be punished here.' Upon this the judge declined to take his evidence. Surely that was not a case in which the present law promoted truth and justice." Assuredly not; but we deny the judge's law. There is no other decision, of which we are aware, that a belief in a future state of punishment is required; and the same erroneous view of the actual state of the law on this subject, runs through the speeches of Sir J. Trelawny and Mr. Roebuck.

We have frequently declared our conviction, that the testimony of infidels ought to be received in courts of justice (8 Jur., N.S., part 2, p. 399), and so far agree with Sir J. Trelawny and his friends; but we wholly dissent from them when they say, that the fact of a man being an infidel, in the sense above described, is not an objection to his credit, to be weighed by the jury; and still more energetically do we protest against their view, that the evidence of infidels should be allowed on the principle that oaths are useless or mischievous. On the contrary, we consider infidelity a very serious objection to a man's credit; for although some infidels may be so from conscience and conviction, the great majority are infidels from motives of a very different kind. It is a favourite decantatum with many that oaths are useless because good men do not need them and bad men disregard them—an argument based on the false assumption, that the conduct of each individual man is uniformly either good or bad; and is well answered by Archbishop Secker thus:—"It must be owned, great numbers will certainly speak truth without an oath; and too many will not speak it with one. But the generality of mankind are of a middle sort; neither so virtuous as to be safely trusted, in cases of importance, on their bare word; nor yet so abandoned as to violate a more solemn engagement. Accordingly we find by experience, that many will boldly say, what they will by no means adventure to swear; and the difference which they make between these two things is often, indeed, much greater than they should; but still it shews the need of insisting on the strongest security. When once men are under that awful tie, and, as the Scripture phrase is, have bound their souls with a bond (Numb. xxx, 2), it composes their passions, counterbalances their prejudices and interests, makes them mindful of what they promise, and careful what they assert; puts them upon exactness in every circumstance; and circumstances are often very material things. Even the good might be too negligent, and the bad would frequently have no concern at all, about their words, if it were not for the solemnity of this religious act. And a further advantage of it is, that when we have thus had the strongest assurance given us, which we can have, concerning any matter, we are naturally disposed to acquiesce in it; and an oath for confirmation becomes the end of all strife (Heb. vi, 16)."

Mr. Roebuck made a speech in support of the bill, for some parts of which its other supporters have small reason to thank him. He said, "He knew that in the world's opinion the state of mind called 'unbelief' was a crime, or stain at least; but the world did not generally seem to recollect that belief and

unbelief were not acts of volition. It was known that children had no idea of death; and, in the next place, the notion of a little girl of seven or eight years of age having in her mind anything like a conception of a future state of reward and punishment, was so ridiculous that no man could possibly believe it. On this point various opinions had been held in all ages among different communities. He believed that it was generally known that in the Pentateuch there was no statement with respect to a future state of reward and punishment, and the oath taken by the Jews had nothing to do with the vengeance of God after death, they believing that a special vengeance would fall on the perjurer during life. Intelligent Christians did not believe in special interpositions of Providence, but were of opinion that the world was governed by general laws, which might probably bring upon them evil consequences in this life on account of taking a false oath, and they also believed that a false oath would be followed by punishment hereafter." Into these very questionable metaphysical and theological speculations we, following the example of the House, decline to follow Mr. Roebuck; who then proceeded thus:—"He lately read a book, in which it was related that Dr. Pusey, who had impressed upon his followers the impropriety of telling an untruth, especially in the confessional, met one day in the streets of Oxford, a man, who said, 'I have been burning in hell for one hour, because I told you a lie in the confessional.' The man suddenly disappeared, but Dr. Pusey called at his house, and found he had been dead an hour. That was an illustration of the idea entertained of the consequences of taking a false oath." Whether this anecdote is true or false appears quite immaterial; but, supposing it ever so authentic, it only adds an illustration to many others that might be given, of the effect of priestcraft acting on a weak mind, or disordered imagination.

Mr. Roebuck used, however, the following argument:—"The course of proceeding pursued at present sometimes excluded good evidence and took the bad. A witness got into the witness-box, and, being examined on what was called the *voire dire*, was asked whether he believed in a God, and in a future state of reward and punishment, and on replying in the negative, he must go down. Now, that man had told the truth. Another witness of precisely the same opinions declared, on being similarly questioned, that he was a believer, and the consequence was, that the truth-telling witness was shut out and the false one accepted." This, Mr. Roebuck observed, was an argument that he had never heard answered. Well, we will try our hand. It is true that the course of proceeding pursued at present sometimes excludes good evidence, and takes the bad; but so would any possible course of proceeding that the wit of man could devise. If all, or the majority of society, were in the position here described by Mr. Roebuck, namely, infidels alike, but some honest and others dishonest, his argument might be unanswerable; but the whole class of infidels, honest and dishonest, happily forms an inconsiderable minority in the community, and laws

made for the convenience of that minority, violate the maxim, "ad ea quæ frequentius accidunt jura adaptantur," and do not fulfil the conditions of every good law, that it be "pro communi civium utilitate conscripta."

We hope we have heard the last of Sir John Trevelyan's affirmation projects.

### Correspondence.

#### LEGALITY OF SECURITY FOR COMPOUND INTEREST.

TO THE EDITOR OF "THE JURIST."

SIR,—The Master of the Rolls, in his judgment in the case of *Crosskill v. Bower*—*Bower v. Turner*, reported in your number of this date (9 Jur., N. S., part 1, col. 1, p. 269), appears to take it for granted, that *compound interest* may be *legally reserved* in a deed or other agreement. Can you inform me whether this point has been judicially determined?

Your obedient,  
W. S.

March 21, 1863.

[There can be no doubt that the repeal of the money laws has removed the objection to which a contract for compound interest in a mortgage were formerly subject—namely, that it not actually usury, it "tended to usury" (9 Ves. 271); and now since a mortgage to secure interest at 10l. or 20l. per cent. is lawful, it would, at least in ordinary cases, be absurd to censure, in a court of equity, a security for compound interest, as a hard or oppressive bargain. Provisions for compound interest are of frequent occurrence in mortgages.]

#### BOOKS RECEIVED.

The Law of Joint-stock Companies, containing the Companies Act, 1862, and the Acts incorporated therewith; with copious Notes of Cases relative to Joint-stock Companies, the Rules and Forms of the Court of Chancery in Proceedings under the above Act, and Forms of Articles of Association. By Leonard Shelford, Esq., of the Middle Temple, Barrister-at-Law. 12mo., pp. 616.—Butterworths.

The Transportation of Criminals, being a Report of a Discussion at a Special Meeting of the Association held at Burlington-house, on the 17th February, 1863. Edited by J. B. Fowler and Martin Ware, jun., Barristers-at-Law, Hon. Secs. to the Third Department. Printed by order of the Council.—London: Emily Faithful, Printer and Publisher in Ordinary to her Majesty, Prince's-street, Hanover-square; and 83 A, Farringdon-street. 1863.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed William Gorham, Gent., of Tonbridge, Kent, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Kent.

METROPOLITAN POLICE COURTS.—Mr. Selfe, senior magistrate of the Thames Police Court, has been appointed to the Westminster Police Court, in place of Mr. Paynter, resigned. Mr. Partridge, stipendiary magistrate at Wolverhampton, succeeds Mr. Selfe at the Thames Police Court, and Mr. I. Spooner, of the Midland Circuit, takes Mr. Partridge's place at Wolverhampton.

#### ALTERATION OF FEES DIRECTED TO BE TAKEN IN THE PRINCIPAL REGISTRY OF THE COURT OF PROBATE.

On the 1st day of April, 1863, the table of fees to be taken in the principal registry of her Majesty's Court of Probate in non-contentious business, and published in *The London Gazette* of the 15th day of August, 1862 (see 8 Jur., N. S., part 2, pp. 391 to 402), shall be altered, by erasing so much of the same as directs that—

For every copy of a will made for the Inland Revenue Office the sum of 6d. per folio of ninety words shall be taken: and that

For every abstract of an administration act for the Inland Revenue Office the sum of 3s. 3d. shall be taken.

And from that day no payment shall be received from the Inland Revenue Office for such copies and abstracts.

(Signed) WESTBURY, C.  
A. E. COCKBURN, C. J.  
C. CRESSWELL.

By virtue and in pursuance of the provisions of the stat. 20 & 21 Vict. c. 77, I, the Right Hon. Sir Cresswell Cresswell, Knt., Judge of her Majesty's Court of Probate, with the concurrence of the Right Hon. Richard Lord Westbury, Lord High Chancellor of Great Britain, and of the Right Hon. Sir Alexander James Edmund Cockburn, Bart., Lord Chief Justice of the Court of Queen's Bench, and with the approval of the Lords Commissioners of her Majesty's Treasury, signified to me by letter, dated the 21st day of February, 1863, do order that from and after the 31st day of March next, no fees be taken for copies of wills, and abstracts of administration acts, or other documents prepared for the Inland Revenue Office.

Dated this 12th day of March, 1863.

(Signed) C. CRESSWELL.

#### BILL IN PROGRESS.

##### PARTNERSHIP LAW AMENDMENT BILL.

*A Bill to amend the Law relating to Partnerships.*

(Prepared and brought in by Mr. Scholesfield, Mr. Murray, and Mr. Stanfeld).

##### ARRANGEMENT OF CLAUSES.

- Sect. 1. Short title.
2. Interpretation of terms.
3. Lenders of money may, under certain conditions, receive a share of profits without being partners.
4. Certain particulars as to such loan to be registered.
5. The registrar of joint-stock companies to be registrar under this act.
6. Loans to be registered within fifteen days. No person entitled to the benefit of this act unless instalments paid or advanced at the time specified in the registration.
7. Money not to be repaid before the time specified in the register.
8. Lenders of money violating the foregoing schemes to become general partners.
9. The firm of a limited partnership shall not include the name of any limited partner, or else limited partner to become general partner.
10. Dissolution of limited partnership. Liability of representatives of limited partner.
11. On dissolution of limited partnership, money lent to become a debt.
12. On dissolution of partnership by death of general partner, limited partners to cause entry of dissolution to be appended to the registration.

13. General partners only to be made bankrupt. Rights and liabilities of limited partner in case of bankruptcy of general partners.

14. This act not to affect joint-stock companies acts.

15. Clerks may be paid by portion of profits without thereby becoming partners.

16. Partnership disputes in certain cases may be settled by arbitration.

17. Mode of procedure in arbitration cases.

18. The names, &c. of persons constituting firms which do not indicate the persons constituting it to be registered.

19. Changes in constitution of firms to be registered in certain cases.

20. Registered persons retiring from any business may require registrar to make entry thereof.

21. Assignees of registered person bankrupt to cause bankruptcy to be registered.

22. Persons registered may sue and be sued in name of registered firm.

23. Consequences of non-compliance with provisions as to registration, &c.

24. Registrar to file declarations under this act.

25. Provision of sect. 174 of the Companies Act, 1862, to apply to registration under this act.

26. Register books to be open. Certified copies of documents and entries to be evidence.

27. All applications to registrar may be sent by post.

28. All fees may be paid by post-office order.

29. Punishment for forging the signature or seal, or making false declaration.

## Imperial Parliament.

### HOUSE OF COMMONS.—Tuesday, March 24.

#### ABOLITION OF TURNPIKES.

In reply to Mr. Western,

Mr. H. A. Bruce said it was not the intention of the Government to introduce any general measure for the abolition of turnpikes during the present session.

#### CESSION OF TERRITORY.

Mr. Griffith asked the Solicitor-General whether it was within the competence of the prerogative of the Crown, upon the advice of the Minister of the day, to alienate any undoubted territorial possession of the Crown or the country without the knowledge or consent of Parliament; and if so, whether such exercise of the prerogative was not, in fact, equivalent to the possession by the Government of an arbitrary power of such alienation of territory.

The Solicitor-General said, the question was, in substance, the same as that which the hon. member had already addressed to the noble lord at the head of the Government. If the noble lord had not answered the question, he should have doubted whether it was consistent with his duty to make any reply to it. As it was, he could only repeat what the noble lord had stated, that there was neither law nor constitutional usage to render the assent of Parliament necessary for the cession of territories of the Crown, unless the laws of this country had been introduced into those territories, or unless Parliament had legislated concerning them.

Mr. Griffith wished to know exactly what the hon. and learned gentleman meant. Was it to be understood that the Government could, by its own prerogative, cede such a territory as Gibraltar, or any other colony or dependency?

The Solicitor-General said, he really could not argue the question with the hon. member. What he meant was simply this—if British subjects settled in a newly-discovered territory, then they carried the laws of this country with them; and in that case a cession could not take place without the knowledge and consent of Parliament. In the case, however, of a ceded or conquered territory, the consent of Parliament would not be necessary to a cession, unless Parliament had already legislated in regard to it.

#### PARTNERSHIP-LAW AMENDMENT BILL.

Mr. Scholefield moved the second reading of this bill, a summary of which will be found in another part of our im-

pression (p. 117), declaring, however, his willingness to refer it to a select committee.

The bill was opposed by Mr. Buchanan, Mr. Gregson, Mr. T. Baring, Mr. Bazley, Sir H. Cairns, Mr. Whiteside, Mr. Jackson, and Alderman Sidney; and supported by Mr. Milner Gibson, Mr. Malins, and Mr. Seely.

The Solicitor-General, on the part of the Government, declared that it seemed to them right to assent to the second reading of the bill, while they hoped that it would be greatly improved in committee, and while they by no means bound themselves to support its passing into law in its present shape.

On a division, the second reading was carried by a majority of 56 against 39.

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this society took place at its rooms, 3, Waterloo-place, Pall-mall, on Monday, the 2nd March, the Right Hon. T. Headlam, Q. C., M.P., in the chair. Mr. Trower moved the following resolutions:—"1. That it is highly expedient that the reported decisions of our superior courts of law in England and Ireland, from the earliest to the present time, should be forthwith expurgated and consolidated, and their undue accumulation for the future be, if possible, prevented. 2. That to this end a royal commission should issue to inquire and report what are the best means of effecting such expurgation and consolidation, and of preventing such an accumulation, and generally of improving the present system of law reporting. 3. That a deputation of this society do forthwith wait on the Lord Chancellor, the Chancellor of the Exchequer, and the Home Secretary, to lay the views of this society before them, and urge upon them the immediate adoption of these resolutions." Mr. Geale seconded the motion. After some remarks by Mr. Pulling, Mr. Edgar, Mr. T. Webster, Mr. Palmer, and Mr. McQueen, Q. C., the following amendment, proposed by Mr. T. Webster, and seconded by Mr. L. Pulling, was carried:—"That the meeting, approving of the principle of the resolutions moved by Mr. Trower, refer the same to a committee to report to the next meeting as to the best mode of proceeding thereon, and in reference thereto."

**CORRIGENDUM.**—In our notice of the decease of Mr. Sergeant Wrangham, ante p. 107, the learned gentleman is, by an error of the press, described as "Q. C." instead of "Q. S."

BOOTH, WILLIAM, Walter's-buildings, Kent-road, Surrey, and Gwynes-place, Hackney-road, auctioneer, April 13. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. March 20.

BURKITT, GEORGE, Isle of Thanet, and Broadstairs, Kent, butcher, April 8. Off. Ass. Cannan; Sol. Preston & Co., 13, Gresham-street.—Pet. f. March 20.

CARR, JOHN WILLIAM, York-road, Surrey, plumber, April 8. Off. Ass. Stansfeld; Sol. Sampson & Co., 31, New Broad-street.—Pet. f. March 19.

CHAPMAN, WILLIAM, Norwich, carpenter, April 13. Off. Ass. Edwards; Sol. Jay & Co., Norwich; Jay, 14, Bucklersbury.—Pet. f. March 4.

DRAPER, JAMES RIDGE, Norfolk-street, Strand, of no business, April 13. Off. Ass. Edwards; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. March 20.

FERGUSON, WILLIAM DUFFUS, Coppice-row, Clerkenwell, cabinet maker, April 14. Off. Ass. Stansfeld; Sol. Mote, 14, Warwick-court, Gray's-inn.—Pet. f. March 20.

GOODWIN, HENRY, Stratford New-town, Essex, baker, April 14. Off. Ass. Stansfeld; Sol. Bartley, 4, Bartlett's-buildings, Holborn.—Pet. f. March 19.

HEATH, WILLIAM EDWIN, Upper Belisle-terrace, Hampstead, gas fitter, April 13. Off. Ass. Graham; Sol. Lewis, 22, Great Marlborough-street.—Pet. f. March 20.

JONES, TANNENT TELFORD, Barrow-hill-place, Regent's-park, clerk in Somerset-house, April 13. Off. Ass. Edwards; Sol. Davies, 6, Old Jewry.—Pet. f. March 19.

KULLBERG, WILLIAM, Great St. Helen's, City, and Hallford-street, Islington, general merchant, April 13. Off. Ass. Graham; Sol. Keene, 77, Lower Thames-street.—Pet. f. March 23.

LEWIS, EDMUND, Tottenham, and Brixton, WILLIAM, Wood-lane, Shepherd's-bush, commercial travellers, April 8. Off. Ass. Cannan; Sol. Woolf, 17, King-street, Chesham.—Pet. f. March 20.

**MAPLES, RICHARD FLETCHER**, Norman-road, Bow, salt merchant, April 14. *Off. Ass. Stansfeld*; *Sol. Walls*, 47, Moorgate-street.—*Pet. f. March 21.*

**MOSWIER, JAMES JULIUS**, Westbourne-grove, Bayswater, watchmaker, April 8. *Off. Ass. Cannan*; *Sols. Lewis & Co.*, 7, Wilmington-square.—*Pet. f. March 19.*

**SCOTT, FRANCIS GILLING TURTLE**, King-street-terrace, New North-road, Islington, tailor, April 13. *Off. Ass. Graham*; *Sol. Aldridge*, 46, Moorgate-street.—*Pet. f. March 19.*

**WARNER, JOHN**, Princes-road, Lambeth, glass dealer, April 13. *Off. Ass. Graham*; *Sol. Silvester*, 18, Great Dover-street, Newington.—*Pet. f. March 18.*

**WENHAM, HENRY**, Gipsy-hill, Norwood, builder, April 13. *Off. Ass. Stansfeld*; *Sol. Mayhew*, 26, Carey-street, Lincoln's-inn-fields.—*Pet. f. March 21.*

**WEST, ALFRED AUGUSTUS**, Greenwich, grocer, April 13. *Off. Ass. Graham*; *Sol. Dempster*, 2, Abchurch-yard.—*Pet. f. March 19.*

### To be heard in the Country.

**BARRETT, WILLIAM**, Salford, Lancashire, coachbuilder, April 13, Manchester. *Off. Ass. Fraser*; *Sol. Swan*, Manchester.—*Pet. f. March 19.*

**BEER, THOMAS**, Exeter, builder, April 8, Exeter. *Off. Ass. Hirtzel*; *Sol. Fryer, Exeter*.—*Pet. f. March 18.*

**BLAKE, JAMES**, Portsea, Southampton, carpenter, April 4, Portsmouth. *Off. Ass. the registrar*; *Sols. Ford & Co.*, Portsea.—*Pet. f. March 13.*

**BEAVER, GEORGE**, Newhaven, Sussex, general-shop keeper, April 2, Lewes. *Off. Ass. Blaker*; *Sol. Goodman*, Brighton.—*Pet. f. March 20.*

**BROOK, HENRY**, Dalton, Yorkshire, head maker, April 9, Huddersfield. *Off. Ass. Jones*; *Sol. Sykes*, Huddersfield.—*Pet. f. March 7.*

**BROUGHTON, THOMAS**, Leicester, general dealer, April 4, Leicester. *Off. Ass. Ingram*; *Sol. Harby*, Leicester.—*Adj. March 18.*

**CHRISTMAS, CHARLES**, March, Cambridgeshire, potato dealer, April 8, March. *Off. Ass. Wise*; *Sol. Ollard*, Upwell.—*Pet. f. March 18.*

**CURFEW, JOHN**, Hyde, Cheshire, druggist, April 15, Manchester. *Off. Ass. Hernaman*; *Sols. Crowther & Co.*, Manchester.—*Pet. f. March 20.*

**DAKE, DAVID**, Dudley, Worcestershire, miser, April 4, Dudley. *Off. Ass. Walker*; *Sol. Stokes*, Dudley.—*Pet. f. March 19.*

**DIMOCK, WILLIAM HENRY**, Portsmouth, out of business, April 6, Portsmouth. *Off. Ass. the registrar*; *Sol. Paffard*, Portsea.—*Pet. f. March 20.*

**DIXON, CHARLES**, Bedford, veterinary surgeon, April 2, Bedford. *Off. Ass. Hinrich*; *Sol. Jessopp*, Bedford.—*Pet. f. March 19.*

**DUCKHAM, ROBERT**, Newport, Monmouthshire, butcher, April 8, Bristol. *Off. Ass. Miller*; *Sol. Blakey*, Newport.—*Pet. f. March 20.*

**FOULTON, JOSEPH**, Maccabrough, Yorkshire, grocer, April 15, Rotherham. *Off. Ass. Newman*; *Sol. Binney*, Sheffield.—*Pet. f. March 18.*

**GABSIDE, HENRY**, Huddersfield, Yorkshire, out of business, April 9, Huddersfield. *Off. Ass. Jones*; *Sol. Leadbeater*, Huddersfield.—*Pet. f. March 18.*

**GLANFIELD, SAMUEL**, Fareham, Hampshire, painter, April 4, Portsmouth. *Off. Ass. the registrar*; *Sol. Paffard*, Portsea.—*Pet. f. March 18.*

**GRACE, PATRICK**, Liverpool, joiner, April 9, Liverpool. *Off. Ass. Hime*; *Sol. Grocott*, Liverpool.—*Pet. f. March 17.*

**GRAY, WILLIAM**, Great Easton, Leicestershire, butcher, April 2, Up-pingham. *Off. Ass. Shield*; *Sol. Law*.—*Pet. f. March 19.*

**HAIGH, BENJAMIN**, Almondbury, Yorkshire, cloth manufacturer, April 9, Huddersfield. *Off. Ass. Jones*; *Sol. Haigh*, Huddersfield.—*Pet. f. March 14.*

**HOBBS, ALEXANDER**, Liverpool, licensed victualler, April 9, Liverpool. *Off. Ass. Morgan*; *Sols. Evans & Co.*, Liverpool.—*Adj. March 18.*

**HUTCHINS, RICHARD**, Kingston-upon-Hull, smack owner, April 15, Kingston-upon-Hull. *Off. Ass. Carrick*; *Sols. Eaton & Co.*, Hull.—*Pet. f. March 18.*

**HYNE, RICHARD HENRY**, Brixham, Devonshire, out of business, April 8, Exeter. *Off. Ass. Hirtzel*; *Sol. Fleud*, Exeter.—*Pet. f. March 21.*

**JENKINS, THOMAS**, Thornhill, near Rotherham, Yorkshire, boiler maker, April 15, Rotherham. *Off. Ass. Newman*; *Sol. Hirst*, Rotherham.—*Pet. f. March 20.*

**JONES, EDWARD**, Liverpool, slate merchant, April 9, Liverpool. *Off. Ass. Turner*.—*Adj. March 12.*

**KNOWLES, WILLIAM**, Wetherby, Yorkshire, surgeon's assistant, April 9, Leeds. *Off. Ass. Young*.—*Adj. March 17.*

**MARSHALL, JAMES**, Halifax, Yorkshire, manufacturer, April 10, Halifax. *Off. Ass. Dyson*; *Sol. Jubb*, Halifax.—*Pet. f. March 20.*

**MATTHEWMAN, ARTHUR**, Newhill, near Wath-upon-Dearne, Yorkshire, miner, April 15, Rotherham. *Off. Ass. Newman*; *Sol. Binney*, Sheffield.—*Pet. f. March 20.*

**PARKER, HENRY**; **THOMPSON, FRANCIS**; and **LAZARRE, CHARLES**, Sheffield, merchants, April 11, Sheffield. *Off. Ass. Young*; *Sols. Rodgers & Co.*, Sheffield.—*Pet. f. Feb. 27.*

**PARKINSON, WILLIAM T.**, Liverpool, licensed victualler, April 9, Liverpool. *Off. Ass. Morgan*; *Sols. Evans & Co.*, Liverpool.—*Adj. March 18.*

**RHODES, SAMUEL**, Wakefield, Yorkshire, joiner, April 13, Leeds. *Off. Ass. Carrick*.—*Adj. March 17.*

**RIDFETTS, EDWARD VANE**, Manchester, collector of accounts, April 11, Salford. *Off. Ass. Hulton*; *Sols. Cobbett & Co.*, Manchester.—*Pet. f. March 19.*

**ROWCROFT, JOSEPH**, Stockport, Cheshire, grocer, April 6, Hyde. *Off. Ass. Brooks*; *Sol. Ellison*, Glossop.—*Pet. f. March 18.*

**SCOTT, CATHERINE**, New Shoreham, Sussex, clothier, April 15, Brighton. *Off. Ass. Evershed*; *Sol. Goodman*, Brighton.—*Pet. f. March 20.*

**SCRIVENER, JOHN**, Oakley, Bedfordshire, timber dealer, April 9, Bedford. *Off. Ass. Hinrich*; *Sol. Hooper*, Biggleswade.—*Pet. f. March 20.*

**SEAW, GEORGE**, Liverpool, forwarding agent, April 10, Liverpool. *Off. Ass. Morgan*; *Sols. Evans & Co.*, Liverpool.—*Pet. f. March 21.*

**SMITHSON, GEORGE**, Birmingham, out of business, April 13, Birmingham. *Off. Ass. Guest*; *Sol. Parry*, Birmingham.

**SPOONER, JOHN**, Westmorland, husbandman, April 16, Westmorland. *Off. Ass. Heels*; *Sol. Shepherd*, Appleby.—*Pet. f. March 19.*

**STABLES, SEVE, Horsforth**, near Leeds, joiner, April 15, Leeds. *Off. Ass. Sangster*; *Sol. Harle*, Leeds.—*Pet. f. March 19.*

**STANDING, WILLIAM**, Eastbourne, Sussex, carpenter, April 2, Lewes. *Off. Ass. Blaker*; *Sol. Dempster*, Eastbourne.—*Pet. f. Feb. 17.*

**STONE, WILLIAM RUFUS**, Manchester, lodging-house keeper, April 6, Manchester. *Off. Ass. Kay*; *Sol. Gardner*, Manchester.—*Adj. Feb. 12.*

**STUBBS, JAMES**, Landaff, near Cardiff, Glamorganshire, publican, April 8, Cardiff. *Off. Ass. Langley*; *Sol. Wilcocks*, Cardiff.—*Pet. f. March 20.*

**SWANBACK, FRANCIS**, Worksop, Nottinghamshire, labourer, March 28, Worksop. *Off. Ass. Newton*; *Sol. Clough*, Worksop.—*Pet. f. March 14.*

**TREWLIS, TITUS**, Huddersfield, Yorkshire, commission agent, April 9, Huddersfield. *Off. Ass. Jones*; *Sol. Dransfield*, Huddersfield.—*Pet. f. March 17.*

**TUCKER, JOHN WALLACE**, Topham, Devonshire, commercial agent, April 22, Exeter. *Off. Ass. Daw*; *Sol. Toby*, Exeter.—*Pet. f. March 20.*

**VAN DE NORDEN, HOWARD DOUGLAS**, Liverpool, master of a vessel, April 9, Liverpool. *Off. Ass. Turner*.—*Adj. March 18.*

**VERNON, ROBERT**, Stockport, Cheshire, innkeeper, April 17, Stockport. *Off. Ass. Coppock*; *Sol. Ashton*, Stockport.—*Adj. March 9.*

**WARD, JOSEPH**, Bradford, Yorkshire, farmer, April 15, Bradford. *Off. Ass. Robinson*; *Sol. Hutchinson*, Bradford.—*Pet. f. March 20.*

**WEAVER, SAMUEL**, Chester, licensed victualler, April 10, Liverpool. *Off. Ass. Turner*; *Sols. Evans & Co.*, Liverpool; *Bridgeman*, Chester.—*Pet. f. March 18.*

**WESTCOTT, OLIVER GEORGE**, Southampton, baker, April 22, Southampton. *Off. Ass. Thorndike*; *Sol. Mackey*, Southampton.—*Pet. f. March 20.*

**WILLIAMS, EDMUND**, Merthyr Tydfil, Glamorganshire, collier, April 4, Merthyr Tydfil. *Off. Ass. Russell*; *Sol. Simons*, Merthyr Tydfil.—*Pet. f. March 20.*

**WILLIAMS, JOHN**, Cardiff, Glamorganshire, greengrocer, April 8, Cardiff. *Off. Ass. Langley*; *Sol. Wilcocks*, Cardiff.—*Pet. f. March 20.*

**WISE, JOSEPH**, Hull, Yorkshire, ship chandler, April 15, Kingston-upon-Hull. *Off. Ass. Carrick*.—*Adj. March 17.*

**WOOD, NICHOLAS GEORGE**, Liverpool, bookkeeper, April 10, Liverpool. *Off. Ass. Hime*; *Sol. Husband*, Liverpool.—*Pet. f. March 18.*

**WRAT, THOMAS**, Bedale, Yorkshire, milliner, April 9, Leeds. *Off. Ass. Young*; *Sols. Webster*, Darlington; *Cariss & Co.*, Leeds.—*Pet. f. March 20.*

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# The Jurist

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## GAZETTES.—FRIDAY, March 27.

## BANKRUPTS.

*To be heard in London.*

- BARTLETT, GEORGE, Victoria-grove, Victoria-park, out of business, April 14. Off. Ass. Cannan; Sol. Terry, 13 and 14, King-street, Cheapside.—Pet. f. March 25.
- BRESELY, NATHANIEL, High-street, Hoxton, grocer, April 8. Off. Ass. Stansfeld; Sols. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. March 23.
- BURTON, RICHARD WHITING, Eccleston-street, South Pimlico, auctioneer, April 13. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 23.
- CHAMBERS, HENRY HERBERT, Exeter-street, Chelsea, grocer, April 8. Off. Ass. Stansfeld; Sol. Clarke, 2, Stanley-place, Paddington-green.—Pet. f. March 23.
- DICKINSON, ROBERT COURENS, North Audley-street, Oxford-street, of no business, April 16. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 23.
- FLOOD, JOHN, Robin Hood-lane, Poplar, baker, April 16. Off. Ass. Graham; Sols. Walter & Co., 8, Southampton-street, Bloomsbury.—Pet. f. March 24.
- FLOOD, WILLIAM, Wenlock-street, Shepherdess-walk, City-road, law clerk, April 16. Off. Ass. Graham; Sol. Chapple, 19, Great Carter-lane.—Pet. f. March 24.
- FRENCH, RICHARD VALPY, Moore-place, Kennington-road, in no occupation, April 14. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. March 23.
- GARWARD, WILLIAM WALTER, New Wellington-street, Roman-road, Holloway, land surveyor, April 14. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. March 21.
- GRAVES, JOHN, Chelsfield, near Bromley, Kent, agricultural labourer, April 14. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. March 21.
- HAWTHORN, EDWIN (and *not* EDWIN, as before advertised), Smith-street, Stepney, brasser, April 13. Off. Ass. Edwards; Sol. Cooper, 9, Charing-cross.—Pet. f. March 5.
- HAYES, JOHN, Kingsland-road, tailor, April 13. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. March 21.
- JACKSON, JOHN JAMES, St. Mary-street, Whitechapel-road, beer retailer, April 14. Off. Ass. Stansfeld; Sol. Mason, 16, Cloudeley-terrace, Liverpool-road, Islington.—Pet. f. March 23.
- JAMES, WILLIAM HENRY, Warren-street, and Euston-road, builder, April 16. Off. Ass. Graham; Sol. Watson, 18, Cannon-street, City.—Pet. f. March 20.
- LEWIS, JOHN RICHARD, Harrington-street, Hampstead-road, out of business, April 13. Off. Ass. Edwards; Sol. Hare, 8, Old Jewry.—Pet. f. March 24.
- LEITCH, PETER, Newington-crescent, Balls-pond, Islington, baker, April 13. Off. Ass. Edwards; Sol. Fosick, 34, Broad-street-buildings.—Pet. f. March 23.
- LOVETT, THOMAS EDWARD, Marlborough-road, Old Kent-road, Surrey, and Devonshire-street, Bishopsgate-street, City, merchant, April 16. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 23.
- MARTIN, HENRY FRANCIS, Bromley-street, Stepney, and Railway-place, Fenchurch-street, tobaccoist, April 13. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. March 21.
- O'RYAN, JAMES, South Molton-street, Oxford-street, and Cullum-street, City, commercial clerk, April 14. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 24.
- PAYNE, JARVIS, Winter-terrace, Union-road, Newington, dealer in hops, April 13. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. March 20.
- PEARSON, RICHARD, High-street, Notting-hill, out of business, April 14. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 21.
- PILKINGTON, JOHN, and PILKINGTON, DANIEL, Fenchurch-street, City, and Liverpool, ship brokers, April 14. Off. Ass. Cannan; Sols. Thomas & Co., Minding-lane.—Pet. f. March 24.
- PRESTON, WILLIAM HENRY, Lambeth-walk, Lambeth, Surrey, hoisier, April 18. Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. March 23.
- READING, WILLIAM, Claremont-cottage, Hammersmith, out of business, April 13. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 23.
- REYNOLDS, GEORGE, Romford, Essex, pig dealer, April 13. Off. Ass. Graham; Sol. Wells, 47, Moorgate-street.—Pet. f. March 26.
- SMITH, DANIEL DAVID, Newport-terrace, Sidney-street, Mile-end, out of business, April 14. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 24.
- STENNETT, JOHN, Seville-place, Mile-end-road, greengrocer, April 14. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. March 21.
- WARD, HENRY, Blackmore, Essex, carpenter, April 14. Off. Ass. Cannan; Sol. Harrison, 61, Basinghall-street.—Pet. f. March 23.
- WARD, JOHN, Frederick-street, Cornwall-road, Surrey, foreman to a contractor, April 13. Off. Ass. Edwards; Sol. Dobson, 1, James-street, Adelphi.—Pet. f. March 23.
- WARING, WILLIAM JOSEPH, First-street, Chelsea, out of business, April 13. Off. Ass. Graham; Sol. Fisher, 32, Coleman-street.—Pet. f. March 23.
- WATSON, JAMES HARVEY, Norwich, tailor, April 18. Off. Ass. Edwards; Sol. Hand, 23, Coleman-street.—Pet. f. March 23.

*To be heard in the Country.*

- ASHBY, THOMAS, Fletching, Sussex, miller, April 9. Lewes. Off. Ass. Blaker; Sol. Langham, Uckfield.—Pet. f. March 17.
- BAKEWELL, WILLIAM WELLS, Loughborough, Leicestershire, licensed victualler, April 9, Loughborough. Off. Ass. Brook; Sol. Deane, Loughborough.—Pet. f. March 23.

- BERRY, NEWTON, Metheringham, Lincolnshire, out of employ, April 8, Lincoln. Off. Ass. Uppieby; Sols. Brown & Co., Lincoln.—Pet. f. March 23.
- BROOKS, MOSES, Edenbridge, Kent, miller, April 9, Tonbridge. Off. Ass. Alleyne; Sol. Peerless, East Grinstead.—Pet. f. March 24.
- BROWNING, WILLIAM GOLDSMITH, New Brompton, Kent, out of business, April 10, Rochester. Off. Ass. Acworth; Sol. Morgan, Maidstone.—Pet. f. March 23.
- BUCKINGHAM, HENRY, Swindon, Wiltshire, labourer, April 11, Swindon. Off. Ass. Townsend; Sol. Rawlings, Melkham.—Pet. f. March 24.
- BURN, GEORGE, Kingston-upon-Hull, private asylum keeper, April 15, Kingston-upon-Hull. Off. Ass. Carzick; Sols. Levett & Co., Hull.—Pet. f. March 21.
- CARNEY, EDWARD, Liverpool, out of business, April 9, Liverpool. Off. Ass. Turner; Sol. Husband, Liverpool.—Pet. f. March 17.
- CATER, CHARLES, King's Lynn, Norfolk, dealer in cattle, April 14, Norwich. Off. Ass. Wilson; Sol. Beloe, King's Lynn.—Pet. f. March 16.
- CATTERSON, JOSEPH, West Hartlepool, Durham, out of business, April 14, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.—Adj. Feb. 18.
- COLLYNS, WILLIAM, Macclesfield, Cheshire, surgeon, April 9, Macclesfield. Off. Ass. the registrar; Sol. Barclay, Macclesfield.—Pet. f. March 26.
- COOPER, WILLIAM, Dudley, Worcestershire, bootmaker, April 9, Dudley. Off. Ass. Walker; Sol. Maltby, Dudley.—Adj. March 17.
- CROIGHTON, WILLIAM; TEGGIN, THOMAS; and CARTER, GEORGE, Salford, Lancashire, machinists, April 15, Manchester. Off. Ass. Herdman; Sols. Sale & Co., Manchester.—Pet. f. March 24.
- CROSS, JOHN, Bilston, Staffordshire, butcher, April 13, Wolverhampton. Off. Ass. Brown; Sol. Bartlett, Wolverhampton.
- CUMMING, ROBERT, Sebeigham, Cumberland, bone manure dealer, April 15, Wigton. Off. Ass. Ware.—Pet. f. Dec. 18.
- DAVIES, MORGAN, Aberdare, Glamorganshire, licensed victualler, April 7, Aberdare. Off. Ass. Rees; Sol. Simons, Merthyr Tydfil.—Pet. f. March 24.
- DOEL, JOSEPH, Bridgwater, Somersetshire, timber merchant, April 10, Exeter. Off. Ass. Hirtzel; Sols. Carsiak & Co., Bridgwater; Hirtzel, Exeter.—Pet. f. March 16.
- DOXEY, WILLIAM, Wirksworth, Derbyshire, April 18, Wirksworth. Off. Ass. Hubberty; Sol. Neale, Macclesfield.—Pet. f. March 17.
- DRAKE, JOSEPH, Halifax, Yorkshire, out of business, April 10, Halifax. Off. Ass. Dyson; Sol. Sutcliffe, Sowerby Bridge.—Pet. f. March 23.
- DRIVER, EDWARD, New Wortley, near Leeds, Yorkshire, cloth manufacturer, April 13, Leeds. Off. Ass. Carrick; Sol. Simpson, Leeds.—Pet. f. March 17.
- DUNE, RICHARD, Buckfastleigh, Devonshire, miner, April 11, Totnes. Off. Ass. Bryett; Sol. Michelmores, Totnes.—Pet. f. March 19.
- ECCLES, MOSES OSWALD, Liverpool, beer-house keeper, April 8, Newcastle-under-Lyme. Off. Ass. Slaney; Sol. Litchfield, Newcastle-under-Lyme.—Adj. March 18.
- EDWARDS, PHILIP, St. Clears, Carmarthenshire, farmer, April 8, Carmarthen. Off. Ass. Lloyd; Sol. Jeffries, Carmarthen.—Pet. f. March 21.
- EVANS, JOHN, Christchurch, Southampton, farmer, April 15, Christchurch. Off. Ass. Druitt; Sol. Sharp, Christchurch.—Pet. f. March 25.
- FLOWERS, JOHN, Wolverhampton, Staffordshire, tailor, April 13, Wolverhampton. Off. Ass. Brown.—Adj. March 13.
- GARDNER, THOMAS WILLIAM, Birmingham, commission agent, April 10, Birmingham. Off. Ass. Whitmore; Sol. Powell, Birmingham.—Pet. f. March 23.
- GOODEN, DANIEL FUSELL, Liverpool, assistant to a marine-store dealer, April 14, Liverpool. Off. Ass. Hime; Sol. Best, Liverpool.—Pet. f. March 23.
- GORE, JAMES, Liverpool, licensed victualler, April 10, Liverpool. Off. Ass. Turner; Sol. Wilson, Liverpool.—Pet. f. March 18.
- GOULDSBOROUGH, ROBERT, Great Grimby, Lincolnshire, smack owner, April 15, Kingston-upon-Hull. Off. Ass. Carrick; Sols. Brown & Co., Lincoln.—Pet. f. March 21.
- GWYER, SAMUEL VOWLES, Bristol, broker, April 8. Off. Ass. Acraman; Sol. Harris, Bristol.—Pet. f. March 20.
- HALL, FRANK, Hanley, Staffordshire, licensed victualler, April 15, Birmingham. Off. Ass. Whitmore; Sol. Litchfield, Newcastle-under-Lyme; James & Co., Birmingham.—Pet. f. March 23.
- HAMPSON, WILLIAM, Hindley, Lancashire, brickmaker, April 17, Manchester. Off. Ass. Fraser; Sols. Crowther & Co., Manchester.—Pet. f. March 25.
- HARRISON, JOHN, Nottingham, out of business, April 22, Nottingham. Off. Ass. Patchitt; Sol. Heathcote, Nottingham.—Pet. f. March 21.
- HASLEHURST, JEREMIAH, Wolverhampton, Staffordshire, licensed victualler, April 18, Wolverhampton. Off. Ass. Brown; Sol. Ward, Wolverhampton.
- HILL, JAMES RIXON, Barnethy-le-Wold, Lincolnshire, coal merchant, April 13, Brigg. Off. Ass. Hett; Sol. Owston, Brigg.—Pet. f. March 23.
- HUMPHREYS, JOHN GOODMAN, Manchester, tobaccoist, April 14, Manchester. Off. Ass. Pott; Sol. Boots, Manchester.—Pet. f. March 25.
- HUNTER, JOHN, Sheffield, brewer's traveller, April 15, Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. March 25.
- JAGGS, JOHN JAMES, Leeds, out of business, April 10, Halifax. Off. Ass. Dyson; Sols. Norris & Co., Halifax.—Pet. f. March 24.
- JARVIS, JOHN, Haddenham, Buckinghamshire, baker, April 13, Thame. Off. Ass. Holloway; Sol. Elby, Banbury.—Adj. March 16.
- JONES, JOHN COTTON, Liverpool, general broker, April 10, Liverpool. Off. Ass. Morgan; Sols. Hindle & Co., Liverpool.—Pet. f. March 25.
- JONES, MOSES FAIRCHARD, Aston Manor, Warwickshire, painter, April 13, Warwick. Off. Ass. Guest.—Pet. f. March 13.
- JORDAN, JAMES SKEWARD, Madley, Herefordshire, farmer, April 13, Birmingham. Off. Ass. Kinnear; Sol. Wright, Birmingham.—Pet. f. March 25.

[For continuation of Gazette, see p. 126.]



CONTENTS.

London Gazette.....	122
Leading Article .....	123
Registration of Deeds of Arrangement with Creditors.	124
Prospectus of Lectures for Trinity Term, 1863 .....	125
Imperial Parliament .....	126

NAMES OF THE CASES REPORTED.

HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

Fisher v. Brierley.—(Mortmain, conveyance of land in—9 Geo. 2, c. 36—43 Geo. 3, c. 106—4 & 5 Vict. c. 38—Grant of land for charitable purposes—Legacies for the same) .....	313
---	-----

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Ex parte Wensley, in re Wensley.—(Bankruptcy—Composition deeds—Disputed adjudication—Acts of bankruptcy—Registration—24 & 25 Vict. c. 134, s. 194—Evidence) .....	315
---	-----

COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

In re Rawlings.—(Bankruptcy—Composition deed) .	316
---	-----

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Pownall v. Graham.—(Accumulations—Trust for—Period of division) .....	318
Ashwin v. Burton.—(Chose in action, assignment of—Fraud—Notice) .....	310

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Lane v. Sterne.—(Partnership assets—Receiver in possession—Seizure by sheriff—Notice—Contempt—Payment of costs) .....	320
O'Brien v. Lewis and Lewis.—(Solicitor and client—Gift by client invalid—General account—Costs). 321	

VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

Young v. Macrae.—(Trade-mark—Fancy name—Patent) .....	322
---	-----

COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Reg. v. Warton.—(Sewers, commissioners of—Sea-walls, &c., by whom to be repaired—Presentment—Order—Change of ownership—3 & 4 Will. 4, c. 22, s. 13) .....	325
---	-----

COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Branly v. The South-eastern Railway Company.—(Railway traffic—Railway and steam-packet company—Packed parcels—Equality of charges—Contract made by an English railway company in parts beyond the seas) .....	329
Robertson and Another v. Sterne and Another.—(Practice—Costs—Compulsory reference under the Common-law Procedure Act, 1854—Costs to abide the event—London Small Debts Act, sect. 120) .....	332
Snell v. Finch.—(Mortgages and mortgagor—Assignment—Distress—Authority) .....	333

EXCHEQUER CHAMBER.

By J. GRANT, Barrister at Law.

The General Omnibus Company (Limited) v. Limpus.—(Collision—Master and servant—Acts done in the course of the servant's service—Misdirection) 333	
Darlow v. Edwards and Sarah his Wife.—(Master and servant—Devises to servant—Wrongful dismissal) .....	336

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Denton v. Marshall and Another.—(County court—Prohibition—Delay) .....	337
Reg. v. M'Lean.—(43 Geo. 3, c. 161, ss. 27, 37—Assessed taxes—Returns) .....	338
Ex parte Harrison.—(County court—Jurisdiction in bankruptcy—Amount) .....	338

THE JURIST.

LONDON, APRIL 4, 1863.

THE success of the Confederate ship of war Alabama, in capturing and destroying the vessels of the Federal States, has given rise to a most interesting debate in the House of Commons, in which Sir Roundell Palmer, the present Solicitor-General, greatly distinguished himself, not only by his clear exposition of international and statute law, applicable to the subject of the debate, but also by the spirited and decisive manner in which he exposed the misrepresentations of the Federal Government and press, and of their unscrupulous supporters in this country.

The case of The Alabama may be shortly stated. She was built, or in the course of building, by a Liverpool firm, when, in consequence of the representations made by the American minister in this country (Mr. Adams) on the 23rd June last, suggesting that she was intended for the Confederate navy, the Government of this country directed the Commissioners of Customs to make inquiries respecting the ship. On the 1st July they made a report to Earl Russell: they said it was evident the ship was a ship of war; it was believed she was built for a foreign Government, but the builders would give no information about her destination; and the commis-

sioners had no other reliable source of information on that point.

The English Government, being without evidence of her destination, of course declined to seize the ship; but Earl Russell on the 4th July communicated to Mr. Adams the result of the inquiry, intimating that if he could furnish further evidence it should receive attention. Fourteen days passed away before Mr. Adams furnished any evidence whatsoever; and the complete evidence was not in the hands of Earl Russell till the 26th July, which was on a Saturday. On the 28th the law officers of the Crown were consulted. On the 29th (the next day) their opinion being obtained, a telegraphic message was sent down to stop the ship, but she had, before the message arrived, by an ingenious stratagem, escaped from the English port, unarmed, and without military stores.

The American Government and people, doubtless much irritated by the dashing exploits of The Alabama, in her character of a ship of war belonging to the Confederate States, have made the most unfounded charges against the Government of this country; and, in doing so, they have not scrupled entirely to disregard and pervert the principles of international and municipal law, not only as it is recognised in this country, but as it has often been laid down and enforced by the most eminent jurists in their own country.

Nothing can be more utterly without foundation than the complaint of the Federals, that *there is any international ground of complaint*, merely because a ship of war, with which the Confederate States may carry on belligerent operations, comes from private individuals in this country. Thus, it is laid down by Vattel, book 3, c. 7, "that if a nation trades in arms, timber, ships, military stores, &c., I cannot take it amiss that it sells such things to my enemy, provided it does not refuse to sell them to me also. It carries on its trade without any design of injuring me, and, in continuing it the same as if I was not engaged in war, that nation gives me no just cause of complaint."

The reports of the American courts, like our own, abound with decisions, in which the law is laid down in similar terms. Thus, in the case of *The Independencia*, Mr. Justice Story says, "There is nothing in our laws, or in the law of nations, that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign nations for sale. It is a commercial adventure, which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation."

In accordance with the rules of international law thus laid down, both the belligerents, the Federals and Confederates, have been supplied by England with various munitions of war, such as cannon, rifles, muskets, percussion caps, and gunpowder—the Federals to a very large amount—and no party has pretended that England, by permitting such exports, has been guilty of any breach of international law; the exporters, however, carry on such a trade at their only risk, such articles, when exported to one belligerent, being, if seized by the other, liable to confiscation as contraband of war.

Now, the sale of ships of war to a belligerent, according to the principles of international law, is no more unlawful than the sale of other munitions of war. This country, however, has, for its own purposes, passed the Foreign Enlistment Act, the object of which was "for defence of our neutrality, against any invasion of it by other powers, and not in consequence of any obligation imposed upon us." Foreign nations, therefore, in such cases as that of *The Alabama*, have no right to appeal to the principles of international law to prevent such vessels being supplied to the enemy, but they can only appeal, as the Solicitor-General well observes, "to the friendly spirit of the neutral to enforce its own statute, according to its own principles of judicial administration. . . . A clear ground of complaint would exist if our Government themselves, directly or indirectly, were concerned in fitting out such a belligerent ship; but if it is merely the case of individuals doing that which would be lawful by international law in this country, if it were not for our Foreign Enlistment Act—doing that which is only unlawful because there is a Foreign Enlistment Act—then the whole extent of the right possessed by the United States is, to ask us to administer our laws upon the same principles, and in the same manner, as we should administer them against our own subjects, in a matter in which we were ourselves alone concerned."

Tested by these principles, the conduct of our own Government has, with regard to *The Alabama*, been altogether right and straightforward, both as respects our own countrymen and the people of the United or Federal States. The Government refused to seize *The Alabama* under the Foreign Enlistment Act until the American minister, after great and apparently unnecessary delay, had supplied them with proper evidence of the destination and purpose of that vessel. There was no delay on the part of the English Government to enforce the law, although, by circum-

stances over which they had no control, it happened to be defeated.

The American Government, and their advocates and supporters in the House of Commons, think that our Government should have acted with more promptitude; but how they could have done so, unless they had acted in the absence of evidence, and therefore illegally, it is difficult to conceive.

It is true, that as the Federalists have submitted to a mere despotism in their own country, it may appear to them, in their present state of mind, not unreasonable that the Government of a free and friendly State should be called upon at their instance, and for their benefit, to violate those fundamental laws which in England are considered to be essential to the enjoyment of civil liberty. We trust, however, the people of the United States will now understand that the Foreign Enlistment Act will only be enforced "in the way in which English laws are usually enforced against English subjects—on evidence, and not on suspicion; on facts, and not on presumption; on conclusive testimony, and not on the mere accusations of a foreign minister or his agents."

#### REGISTRATION OF DEEDS OF ARRANGEMENT WITH CREDITORS.

IN the case of *Hodgson v. Wightman* (9 Jur., N. S., part 1, p. 308) the Court of Exchequer assumed that the 194th section of the Bankruptcy Act applies only to deeds of arrangement between a debtor and all his creditors; but applied the enactment, so construed, to a deed in terms limited to the executing creditors, upon reasoning which is not easy to be understood. The deed in question was an indenture between G. W. of the one part, and the several persons whose hands and seals were thereunto subscribed and set, being creditors of the said G. W., or agents or solicitors of creditors, of the other part. It recited that G. W. had contracted certain debts with the parties of the second part, which debts were set opposite to their respective names, and that the parties of the second part, being or representing at least three-fourths in value of the creditors of the said G. W., had agreed to accept 6s. in the pound in full satisfaction of their debts; and the deed then witnessed, that in consideration of 6s. paid by G. W. for every pound due by him to them, the said parties of the second part, being or representing at least three-fourths in value of the creditors of the said G. W., did release him from all liabilities with regard to the said debts; and the said G. W. contracted with the parties of the second part that he would pay to them, and each of them, the said sum of 6s. for every pound due by him to them as aforesaid, by two instalments, as therein mentioned; and the parties thereto did thereby accept the said sum of 6s. in the pound in discharge of their respective debts and claims. The deed was not registered under the 164th clause of the Bankruptcy Act. One of the executing creditors sued G. W. for the full amount of his debt; and the Court held that the deed, not having been registered, could not be used in support of a plea of release. Wilde, B., in delivering the judgment of the Court, said, "We construe sect. 194 of the new Bankruptcy Act to apply to all deeds whatever which are, or profess to be, or are obviously on the face of them intended to be, deeds of arrangement between the debtor and the whole body of his creditors. It was clearly, in our opinion, intended to include, not only deeds complying with, and framed under, the provisions of sect. 192, but all other deeds whereby a man may compound or arrange with the whole body of his creditors. We cannot read the se-

\* The Solicitor-General's speech, *Times*, March 26, 1863.

verbal sections of the act relating to deeds of arrangement, and avoid the conclusion, that the scope of the act was to subject all such arrangements to the operation, to some extent at least, of the bankruptcy laws, leaving it, however, open to the parties, by express provision in the deed, to qualify and restrain the application of such laws. Now, what is the deed in question? It is a deed professing, on the face of it, to be entered into between the debtor of the one part, and the creditors signing of the other part; and, in the operative part of the deed, the said creditors, parties of the second part, are expressly said 'to be or represent at the least three-fourths in value of the creditors of the said G. W.' It is impossible to refer these words to any other intention than that of making the deed one of arrangement which should bind the whole of the defendant's creditors under the powers of sect. 192. If it were really intended to be only an arrangement with certain creditors who should sign the deed, what sense, or reasonable meaning or purpose, could the words I have quoted have borne? The conclusion as to the intention of the parties seems inevitable, and, as a deed intended to be executed [by] or binding on the whole body, it required registration."

The 194th section, however, does not say anything about intention; it only speaks of a deed, instrument, or agreement, whereby a debtor conveys, or agrees to convey, his estate and effects, or the principal part thereof, for the benefit of his creditors [i. e. of all his creditors], or makes any arrangement with his creditors [i. e. all his creditors], or any person on their behalf. From the words referred to by the learned judge, it might be guessed that the draftsman wished to frame a deed binding on all the creditors; but it is perfectly clear that he failed to do so, and that the deed, as framed, could only bind those who actually executed it, and it might just as well have been guessed, from the omission to register it, that whatever the draftsman contemplated, the debtor, at least, did not intend to bind non-executing creditors. It is surely a very strained application of an absurd enactment to make it govern a deed which confessedly is incapable of operating in the manner described in the enactment, merely because it is conjectured that such an operation was intended or desired.

The case, however, as far as it goes, is welcome as an authority in favour of the construction that limits the scope of the 194th section to deeds between a debtor and all his creditors. Deeds of arrangement, not intended to bind non-executing creditors under the 192nd section, and, of course, not intended to be registered, will, therefore, contain a declaration expressly limiting their operation to the creditors who actually execute them. G. S.

### PROSPECTUS OF THE LECTURES

*To be delivered during the ensuing Trinity Educational Term, by the several Readers appointed by the Inns of Court.*

#### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Reader will trace the History of our Constitution from the reign of Richard II to the latest period which the time allotted to the Course will enable him to reach. He will dwell particularly on the Judicial and Legal History of the different ages which he describes, as recorded in the Statute-books, the volumes of Reports, and the State Trials.

In his Private Classes he will begin with the reign of Charles I, and proceed in regular order to that of his successors.

The books to which he will chiefly refer are—Blackstone's Commentaries, by Kerr—Matthew Paris—Ra-

pin's History of the Period—Thierry, *Conquêtes des Normans*—Thierry, *Histoire du Tiers État*—Bracton—Selden's Notes on *Fleta*—Statute-book of the Period—Reeves' History of the English Law—Parliamentary History—Lord Clarendon's History—May's History—Rushworth's Collections—Brodie's History—Hallam's Constitutional History and Chapter in the Middle Ages—Hayes' History of Conveyancing—Burnet's Memoirs—State Trials—Starkie's Law of Libel.

#### EQUITY.

The Reader on Equity proposes to deliver, during the ensuing Educational Term, a course of Ten Lectures on the following subjects:—

1. The Jurisdiction of the Court of Chancery in Matters of Account.
2. On Equitable Set-off and the Appropriation of Payments.
3. The Law of Partnership as modified by Courts of Equity.
4. On the Relief afforded in Cases of Mistake.
5. On the Doctrine of Implied Performance and Satisfaction.

The Reader will continue with his Senior and Junior Classes the General Courses of Equity already commenced. He will also continue in both Classes to explain the leading Rules of Pleading in Equity, from the work of Lord Redesdale.

#### THE LAW OF REAL PROPERTY.

The Reader on the Real Property Law, &c. proposes to deliver, in the ensuing Educational Term, a course of Ten Lectures on the following subjects:—

1. The Law of Life Assurance.
2. The Law of Domicile.
3. The Power of Executors to sell Real Estate under a Testamentary Charge of Debts.
4. Trusts and Powers of Sale of Real Estate.

The Reader on the Law of Real Property will, in his Private Classes, refer from time to time more particularly to the Cases cited in his Public Lectures. He will also continue his Course of Real Property Law, using the work of Mr. Joshua Williams as a textbook.

#### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law proposes, in the ensuing Educational Term, to deliver Ten Public Lectures, in continuation of a Course upon—

The Comparative Jurisprudence of Rome, France, and England with respect to Obligations arising from Contract.

In this Course the Reader proposes to consider—

1. The Contract of Sale.
2. The Contract of Letting to Hire.
3. The Contract of Partnership.
4. The Contract of Mandatum.
5. The Real Contracts.
6. The Verbal Contracts.
7. The Literal Contracts.

In his Private Class the Reader will consider in detail the Subjects of the Public Lectures. The *Systema Juris Romani* of Mackelvey will be used as the Text-book for Roman Law, and the Code Civil as its best modern development. The Reader will refer to the Digest, and the Commentaries of Troplong and Morcadé, upon the Code Civil.

#### COMMON LAW.

The Reader on Common Law proposes to deliver, during the ensuing Educational Term, Ten Public Lectures on the Law of Torts and on Criminal Law, as under.

The Reader will consider—

1. The Nature of a Right of Action *ex Delicto*, and the Ingredients therein.

2. Wherein Tort differs from Contract and from Crime.
3. Actions ex Delicto.
4. The Leading Principles of our Criminal Law.
5. Criminal Procedure.
6. Indictable Offences.

With his Private Class the Reader will pursue the inquiry above indicated, directing attention especially to the alterations effected in our Criminal Law by the Consolidation and Amendment Acts. He will use as Text-books and for reference, the under-mentioned works:—Smith's Leading Cases (5th ed.); Broom's Commentaries (2nd ed.); Archbold's Criminal Pleading, by Welsby; and Mr. Greaves's edition of the Criminal Law Acts.

By order of the Council,  
(Signed) WESTBURY, C., Chairman.

Council Chamber, Lincoln's Inn,  
March 26, 1862.

### Imperial Parliament.

#### HOUSE OF COMMONS.—Wednesday, March 25.

On the motion of Mr. Scholefield, the Partnership-law Amendment Bill was referred to a select committee.

Friday, March 27.

Mr. A. Mills asked the Secretary of State for the Home Department whether it was the intention of her Majesty's Government to introduce, during the present session, a measure for enabling the Commissioners of Works and Public Buildings to acquire a site for the erection and concentration of courts of justice.

Sir G. Grey said it was not the intention of the Government to introduce any bill for the purpose. The subject of the erection of new courts of justice was under the consideration of the Government, and at a later period he would probably be able to give a more definite answer to the hon. member's question.

**SOLICITORS' BENEVOLENT ASSOCIATION.**—We are informed Sir Fitzroy Kelly will take the chair at the third Anniversary Festival of the Solicitors' Benevolent Association, to be held at the Freemason's Tavern, on the 17th June next.

KAY, ROBERT STANLEY, Derby, brush manufacturer, April 14, Nottingham. Off. Ass. Harris; Sols. Gamble & Co., Derby.—Pet. f. March 24.

KNAGGS, WILLIAM, Whitby, Yorkshire, master mariner, April 16, Leeds. Off. Ass. Young; Sol. Pettingell, Hull.—Pet. f. March 25.

KNAPTON, EMI, Hunsall, Somersetshire, wheelwright, April 15, Bridgewater. Off. Ass. Lovibond; Sol. Barham, Bridgewater.—Pet. f. March 23.

KRUGER, SIMON, Kendal, Westmorland, hairdresser, April 7, Kendal. Off. Ass. Wilson; Sols. Moner & Co., Kendal.—Pet. f. March 23.

LAMBERT, CHRISTOPHER, Newcastle-upon-Tyne, draper's assistant, May 2, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. March 21.

LAWSON, THOMAS, Wheaton Aston, Staffordshire, innkeeper, April 13, Wolverhampton. Off. Ass. Brown; Sol. Bartlett, Wolverhampton.

LIVINGSTON, JOHN, Birmingham, provision dealer, April 13, Birmingham. Off. Ass. Guest.—Pet. f. March 19.

MORRIS, RICHARD, Birmingham, wire manufacturer, April 13, Birmingham. Off. Ass. Kinnear; Sol. Allen, Birmingham.—Pet. f. March 21.

MORTIMER, GEORGE WILLIAM, Cheetham, near Manchester, out of business, April 11, Salford. Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. March 20.

MORSE, EDWARD HENRY EMBLY, Newent, Gloucestershire, small farmer, April 7, Newent. Off. Ass. Cooke; Sol. Wilkes, Gloucester.—Pet. f. March 23.

PHILLIPS, JOHN, Cwmdu, Breconshire, farmer, April 3, Bristol. Off. Ass. Actman; Sol. Lewis, Crickhowell.—Pet. f. March 23.

POLLARD, WILLIAM, Sandwich, Kent, plumber, April 8, Sandwich. Off. Ass. Hall; Sol. Mouriian, Sandwich.—Pet. f. March 23.

PORTER, WILLIAM, Brixham, Devonshire, licensed victualler, April 11, Totnes. Off. Ass. Bryett; Sol. Michelmores, Totnes.—Pet. f. March 19.

PRICE, EDWIN, Birmingham, scrap iron dealer, April 15, Birmingham. Off. Ass. Kinnear; Sol. East, Birmingham.—Pet. f. March 25.

PROCTER, NATHAN, Headingley and Meanwood, Yorkshire, stone merchant, April 13, Leeds. Off. Ass. Carrick; Sol. Simpson, Leeds.—Pet. f. March 24.

RAWLE, RICHARD EASBY, Liverpool, licensed master porter, April 13, Liverpool. Off. Ass. Hime; Sol. Goldrick, Liverpool.—Pet. f. March 5.

RICHENS, CHARLES, Highworth, Wiltshire, out of business, April 11, Swindon. Off. Ass. Townsend; Sol. Rawlings, Melkham.—Pet. f. Feb. 28.

ROBINSON, JAMES, Nottingham, hay dealer, April 14, Nottingham. Off. Ass. Harris; Sol. Smith, Nottingham.—Pet. f. March 24.

SALMON, RICHARD, New Bedford, Lincolnshire, licensed victualler, April 14, Nottingham. Off. Ass. Harris; Sols. Brown & Co., Lincoln.—Pet. f. March 24.

SHEPARD, JOHN HENRY, Birmingham, tailor, April 13, Birmingham. Off. Ass. Guest.—Pet. f. March 19.

SKEATS, JOHN WALTON, Moulton, Lincolnshire, carpenter, April 15, Spalding. Off. Ass. Bonner; Sols. Brown & Co., Lincoln.—Pet. f. March 16.

SOMERVILLE, WILLIAM, Newcastle-upon-Tyne, cork cutter, May 2, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. March 21.

SMITH, WILLIAM, Stourbridge, Worcestershire, hosier, April 20, Stourbridge. Off. Ass. Harward; Sol. Maltby, Stourbridge.—Pet. f. March 21.

SMYTHE, ROBERT, Salford, Lancashire, grocer, April 11, Salford. Off. Ass. Hulton; Sol. Ambler, Manchester.—Pet. f. March 24.

STEPHENS, JOHN, Carmarthen, grocer, April 8, Bristol. Off. Ass. Miller; Sols. Heaven & Co., Bristol.—Pet. f. March 23.

STUBBS, JOSEPH, Congleton, Cheshire, painter, April 6, Congleton. Off. Ass. Latham; Sol. Washington, Congleton.—Pet. f. March 24.

SUTCLIFFE, WILLIAM, and SUTCLIFFE, JOHN, Todmorden, Yorkshire, cotton manufacturers, April 13, Leeds. Off. Ass. Carrick; Sols. Sale & Co., Manchester; Richardson & Co., Leeds.—Pet. f. March 24.

TIERNAN, JAMES, Liverpool, master mariner, April 13, Liverpool. Off. Ass. Hime; Sol. Best, Liverpool.—Adj. March 18.

TOMLIN, ALWIN, Wisbech St Mary, Cambridgeshire, miller, April 14, Wisbech. Off. Ass. Metcalfe; Sol. Ollard, Upwell.—Pet. f. March 2.

TRUBODY, SAMUEL HICKS, Bliton, Gloucestershire, farmer, April 5, Bristol. Off. Ass. Actman; Sols. Bush & Co., Bristol.—Pet. f. March 24.

VERNON, JOHN, South Molton, Devonshire, gardener, April 13, South Molton. Off. Ass. Crosse; Sol. Shapland, South Molton.—Pet. f. March 23.

WALKER, WILLIAM, Halifax, Yorkshire, gardener, April 10, Halifax. Off. Ass. Dyson; Sol. Holroyde, Halifax.—Pet. f. March 24.

WEST, JOSEPH, New Accrington, Lancashire, plasterer, April 14, Haslingden. Off. Ass. Woods; Sol. Barlow, Accrington.—Pet. f. March 24.

WHITE, WILLIAM TAYLOR, West Hartlepool, Durham, grease maker, April 8, Hartlepool. Off. Ass. Child; Sol. Marshall, West Hartlepool.—Pet. f. March 20.

WHITEHEAD, JOHN, Sibson, Huntingdonshire, carter, April 13, Stamford. Off. Ass. Shield; Sol. Law, Stamford.—Pet. f. March 24.

WILLIAMS, WILLIAM, Llanvachreva, Monmouthshire, tin-plate inspector, April 11, Swindon. Off. Ass. Townsend; Sol. Rawlings, Melkham.—Pet. f. March 23.

WILLIS, JOHN, Swire, Newcastle-upon-Tyne, miller, April 14, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Ingledew & Co., Newcastle-upon-Tyne.—Pet. f. March 19.

WILLIS, WILLIAM, Old Swindon, Wiltshire, timber dealer, April 11, Swindon. Off. Ass. Townsend; Sol. Rawlings, Melkham.—Pet. f. March 21.

YEATES, JAMES, Chippenham, Wiltshire, tailor, April 8, Bristol. Off. Ass. Miller; Sols. Brittan & Co., Bristol.—Pet. f. March 24.

#### BANKRUPTCIES ANNULLED.

ANDERSON, THOMAS FRANCIS, Liverpool, attorney-at-law.  
DAVIES, WILLIAM, Bristol, boot manufacturer.

#### TUESDAY, March 31.

##### BANKRUPTS.

##### To be heard in London.

ATKINS, THOMAS, Aldenot, draper, April 14. Off. Ass. Stansfeld, Sol. Shiers, 5, New-Inn, Strand.—Pet. f. March 27.

BARTLETT, JOSEPH, Forest-row, Dalston, coal agent, April 14. Off. Ass. Edwards; Sols. Reed & Co., 1, Guildhall-chambers.—Pet. f. March 26.

BEER, JOHN, Graves-terrace, Walworth-road, carver and gilder, April 13. Off. Ass. Edwards; Sol. Tonge, 34, Upper King street, Bloomsbury.—Pet. f. March 24.

CANN, JAMES, Kemp's-row, Pimlico, schoolmaster, April 14. Off. Ass. Stansfeld; Sol. Cooper, 9, Charing-cross.—Pet. f. March 28.

CHAMBERLAIN, THOMAS, Gloucester-place, Gloucester-road, Croydon-common, Croydon, builder, April 14. Off. Ass. Cannan; Sols. Marshall & Co., 12, Haxton-garden.—Pet. f. March 27.

CORNEY, WILLIAM, Winchmore-hill, Edmonton, fruiterer, April 13. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 25.

CURTIS, THOMAS STEPHEN, Nelson-square, Park-road, Peckham, of no occupation, April 14. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 26.

ELLIOTT, RICHARD WILLIAM, River-street, York-road, plaster of Paris dealer, April 16. Off. Ass. Graham; Sol. Rodgers, 5, Clement's-inn, Strand.—Pet. f. March 26.

ELLIS, JOHN, Gutter-lane, Cheap-side, mantle manufacturer, April 14. Off. Ass. Cannan; Sol. Waldron, 59, Lamb's Conduit-street.—Pet. f. March 28.

FORSTER, JOHN, Upper Whitecross-street, butcher, April 14. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 26.

FOWLER, RICHARD, Melina-place, Westminster-road, out of business, April 14. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 26.

**GUNN, SAMUEL**, and **GUNN, THOMAS**, Featherstone-street, City-road, and Aldermanbury, smiths, April 16. *Off. Ass. Graham; Sol. Voulas, 16; Gresham-street.—Pet. f. March 26.*

**HALL, CHARLES VINCENT**, Westbourne-place, Paddington, out of business, April 14. *Off. Ass. Cannan; Sol. Thorn, 1, South-square, Gray's-aven.—Pet. f. March 26.*

**HOLLINGSWORTH, JOHN**, Wright's-road, Old Ford, Bow, baker, April 16. *Off. Ass. Stanfield; Sol. Bartley, 4, Bartlett's-buildings, Holborn.—Pet. f. March 27.*

**HUFF, JOHN**, Stake-by-Wayland, Suffolk, farmer, April 16. *Off. Ass. Graham; Sol. Keighley & Co., 7, Ironmonger-lane; Newman & Co., Hadleigh, Suffolk.—Pet. f. March 27.*

**KINGTON, EDWARD**, Tabernacle-walk, Finsbury, saddler, April 16. *Off. Ass. Graham; Sol. Buchanan, 13, Basinghall-street.—Pet. f. March 26.*

**MOTT, GEORGE**, Emaworth, Hampshire, licensed brewer, April 14. *Off. Ass. Stanfield; Sol. Nichols & Co., 9, Cook's-court, Lincoln's-inn; Stening, Portsea.—Pet. f. March 26.*

**NETTING, RICHARD**, City-road, clerk in the Post Office, April 14. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. March 21.*

**PHILLIPS, SAMUEL**, Henley-street, Battersea-park, builder, April 14. *Off. Ass. Edwards; Sol. Kent, 11, Cannon-street, West.—Pet. f. March 19.*

**REDMOND, JOHN**, Sun-street, Bishopgate-street, greengrocer, April 13. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. March 21.*

**ROSWELL, WILLIAM**, Artillery-lane, Bishopgate-street, plumber, April 13. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 23.*

**SEMPSTER, JOHN EDWIN**, Old Bailey, manager to a flour dealer, April 14. *Off. Ass. Cannan; Sol. Buchanan, 13, Basinghall-street.—Pet. f. March 26.*

**STORR, JOHN**, High-street, Mortlake, upholsterer, April 14. *Off. Ass. Cannan; Sol. Haynes, 22, Southampton-buildings.—Pet. f. March 27.*

**SULLIVAN, MARY**, High-street, Kensington, publican, April 13. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 26.*

**TERRY, EMILY ESTHER**, Talbot-road, Baywater, boarding-house keeper, April 13. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 21.*

**THOMPSON, JAMES**, Churton-street, and Lupus-street, Fimlico, out of employ, April 13. *Off. Ass. Graham; Sol. Cooper, 9, Charing-cross.—Pet. f. March 26.*

**TRACOMER, MATTHEW**, Charles-street, Plummer's-row, Commercial-road, foreman to a baker, April 13. *Off. Ass. Edwards; Sol. Treherne & Co., 17, Gresham-street.—Pet. f. March 26.*

**VANMAN, THOMAS**, Gray's-lane-road, out of business, April 13. *Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 23.*

**WALTON, BENJAMIN**, Fenton-street, Haymarket, tailor, April 14. *Off. Ass. Cannan; Sol. Windsor, 8, Old Jewry.—Pet. f. March 23.*

**WARREN, JOHN**, Buriton, Hampshire, coal merchant, April 13. *Off. Ass. Edwards; Sol. White, 8, Dances-lane, Strand, and Guildford.—Pet. f. March 27.*

**WYATT, RICHARD**, Campden-street, Kennington, baker, April 13. *Off. Ass. Edwards; Sol. Hare, 8, Old Jewry.—Pet. f. March 27.*

#### To be heard in the Country.

**ALLISON, THOMAS**, Staindross, Durham, out of business, April 16. *Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Thompson & Co., Durham.—Pet. f. March 24.*

**BARNETT, GEORGE**, Birmingham, provision dealer, April 13, Birmingham. *Off. Ass. Guest.—Pet. f. March 19.*

**BASTIN, JOHN**, Hanley, Staffordshire, grocer, April 15, Birmingham. *Off. Ass. Kinneer; Sols. Tennant & Co., Hanley; Smith, Birmingham.—Pet. f. March 23.*

**BENHAM, JOHN**, Winchester, Hampshire, gentleman, April 13, Winchester. *Off. Ass. Godwin; Sol. Hollis, Winchester.—Pet. f. March 23.*

**BEVON, WILLIAM**, Birmingham, tube raiser, April 13, Birmingham. *Off. Ass. Guest; Sols. Hodgson & Co., Birmingham.—Pet. f. March 26.*

**BIRDALE, GEORGE**, Birmingham, brushmaker, April 13, Birmingham. *Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. March 27.*

**BURDETT, EDMUND HORATIO**, Little Peelling, near Lutterworth, Leicestershire, ale dealer, April 17, Birmingham. *Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. March 4.*

**CARPENTER, THOMAS GIBBINS**, Thornbury, Gloucestershire, brick manufacturer, April 10, Bristol. *Off. Ass. Miller; Sol. Thurston, Thornbury.—Pet. f. March 26.*

**CARR, CHARLES**, Barnsley, Yorkshire, wood turner, April 24, Barnsley. *Off. Ass. Shepherd; Sol. Pateson, Sheffield.—Pet. f. March 27.*

**CANVER, JOSEPH**, and **BARBER, EDWIN ALFRED**, Wells, Somersetshire, upholsterer, April 17, Bristol. *Off. Ass. Miller; Sols. Bevan & Co., Bristol.—Pet. f. March 30.*

**CLEMENTS, ABRAHAM**, Cleaton, Cumberland, butcher, April 8, Whitehaven. *Off. Ass. Hodgkin; Sol. Falsdon, Whitehaven.—Pet. f. March 24.*

**CROCKFORD, WILLIAM**, Dorchester, engineer, April 10, Dorchester. *Off. Ass. Symonds; Sol. Cornelius, Weymouth.—Pet. f. March 27.*

**CUTTING, WILLIAM ALEXANDER**, Uleby, Lincolnshire, tin plate worker, April 14, Barton-on-Humber. *Off. Ass. Brown; Sol. Bygott, Barton-on-Humber.—Pet. f. March 25.*

**DAY, JAMES**, Luton, Bedfordshire, grocer, April 11, Luton. *Off. Ass. Austin; Sol. Bailey, Luton.—Pet. f. March 27.*

**DEWIS, GEORGE**, Stickney, Lincolnshire, joiner, April 7, Horncastle. *Off. Ass. Clitherow; Sol. Adcock, Horncastle.—Pet. f. March 28.*

**FAULKNER, GEORGE**, Penkridge, Staffordshire, brickmaker, April 20, Stafford. *Off. Ass. Spillbury; Sol. Bowen, Stafford.—Pet. f. March 27.*

**FLEWITT, THOMAS**, Birmingham, tool maker, April 13, Birmingham. *Off. Ass. Guest; Sol. Elkington, Birmingham.—Pet. f. March 23.*

**FOSTER, JOSHUA WILLIAM**, Brighton, railway clerk, April 16, Brighton. *Off. Ass. Brunshead; Sol. Goodman, Brighton.—Pet. f. March 25.*

**GARDNER, THOMAS WILLIAM**, Birmingham, commission agent, April 10, Birmingham. *Off. Ass. Whitmore; Sol. Powell, Birmingham.—Pet. f. March 23.*

**GREEN, GEORGE**, Alfreton, Derbyshire, currier, April 11, Sheffield. *Off. Ass. Young; Sols. Richards & Co., Alfreton; Unwin, Sheffield.—Pet. f. March 28.*

**GIBBS, JOSEPH**, Warrminster, Wiltshire, out of business, April 13, Warrminster. *Off. Ass. Fussell; Sol. Wakeman.—Pet. f. March 23.*

**GORRI, PETER**, and **GORRI, PASQUALE**, Leeds, out of business, April 15, Leeds. *Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. March 23.*

**GREENWELL, WILLIAM KEMP**, Great Grimby, Lincolnshire, innkeeper, April 17, Lincoln. *Off. Ass. Daubney; Sols. Brown & Co., Lincoln.—Adj. March 19.*

**HALLIWELL, JAMES**, Wigan, Lancashire, out of business, April 22, Manchester. *Off. Ass. Herniman; Sol. Gardner, Manchester.—Pet. f. March 28.*

**HAYWARD, JAMES**, Morborough, Derbyshire, sickle manufacturer, April 21, Chesterfield. *Off. Ass. Wake; Sol. Busby, Chesterfield.—Pet. f. March 24.*

**HIGGINSON, THOMAS**, Barthomley, Cheshire, shoemaker, April 9, Nantwich. *Off. Ass. Broughton; Sol. Sheppard, Crewe.—Pet. f. March 7.*

**HILL, WILLIAM**, Oldswinford, Staffordshire, brickmaker, April 20, Stourbridge. *Off. Ass. Harward; Sols. Freer & Co., Stourbridge.—Pet. f. March 27.*

**HIRST, JOSEPH**, Headingley, near Leeds, out of business, April 21, Leeds. *Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. March 27.*

**HOLIDAY, SAMUEL**, Batley, Yorkshire, coal proprietor, April 24, Dewsbury. *Off. Ass. Nelson; Sol. Ibberson, Dewsbury.—Pet. f. March 27.*

**HUCKNALL, ALFRED**, Loughborough, Leicestershire, attorney-at-law, April 21, Nottingham. *Off. Ass. Harris; Sol. Maples, Nottingham.—Pet. f. March 27.*

**INGLE, JOHN EDWARD**, Brigstock, Northamptonshire, fellmonger, April 14, Thrapston. *Off. Ass. Archbould; Sol. Law, Stamford.—Pet. f. March 28.*

**JONES, RICHARD**, Machynlleth, Montgomeryshire, innkeeper, April 10, Liverpool. *Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. March 27.*

**JONES, THOMAS**, Eglwysilan, Glamorganshire, carpenter, April 11, Pontypridd. *Off. Ass. Spickett; Sol. Thomas, Pontypridd.—Pet. f. March 26.*

**JONES, THOMAS LONGSVILLE**, Macclesfield, Cheshire, gun maker, April 10, Macclesfield. *Off. Ass. the registrar; Sol. Barclay, Macclesfield.—Pet. f. March 27.*

**KNOTT, CHARLES**, Glossop, Derbyshire, licensed victualler, April 9, Glossop. *Off. Ass. Hibbert; Sol. Ellison, Glossop.—Adj. March 13.*

**LOWDEN, WILLIAM**, Newcastle-upon-Tyne, coach trimmer, May 2, Newcastle-upon-Tyne. *Off. Ass. Clayton; Sol. Bush, Newcastle-upon-Tyne.—Pet. f. March 24.*

**MAIRWARING, WILLIAM**, Monks Coppenhall, Cheshire, furniture broker, April 9, Nantwich. *Off. Ass. Broughton; Sol. Sheppard, Crewe.—Pet. f. March 16.*

**MORGAN, JOHN**, Pontypool, Monmouthshire, grocer, April 10, Bristol. *Off. Ass. Acraman; Sols. Greenway & Co., Pontypool; Bevan & Co., Bristol.—Pet. f. March 27.*

**MOSS, JOHN**, Garston, Lancashire, shoemaker, April 16, Liverpool. *Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. March 26.*

**OXFORD, WILLIAM**, Newnham, Gloucestershire, bayonet maker, April 16, Newnham. *Off. Ass. Mason; Sol. Good, Newnham.—Pet. f. March 26.*

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**ROWLEY, THOMAS**, Barnsley, Yorkshire, bootmaker, April 24, Barnsley. *Off. Ass. Shepherd; Sol. Rogers, Barnsley.—Pet. f. March 26.*

**SEXTON, HANNAH**, Bristfield, near Dewsbury, Yorkshire, out of business, April 24, Dewsbury. *Off. Ass. Nelson; Sols. Scholes & Co., Dewsbury.—Pet. f. March 27.*

**SHEARD, JOHN HAWORTH**, Batley, Yorkshire, manufacturer, April 16, Leeds. *Off. Ass. Young; Sols. Iveson & Co., Heckmondwike; Bond & Co., Leeds.—Pet. f. March 30.*

**SKINNER, NATHAN FREDERICK**, Chipping Wycombe, Buckinghamshire, plumber, April 20, High Wycombe. *Off. Ass. Parker; Sol. Spicer, Great Marlow.—Pet. f. March 20.*

**TREBUTT, JOHN**, Rowell, Northamptonshire, builder, April 10, Kettering. *Off. Ass. Nettleship; Sol. Rawlins, Market Harborough.—Pet. f. March 23.*

**THOMAS, JOHN**, Mothvey, Carmarthenshire, farmer, April 10, Bristol. *Off. Ass. Miller; Sol. Hill, Bristol.—Pet. f. March 25.*

**TOPHAM, JOHN**, Nantwich, Cheshire, grocer, April 9, Nantwich. *Off. Ass. Broughton; Sol. Jones, Nantwich.—Pet. f. March 25.*

**TURNER, JOHN**, Bridekirk, Cumberland, blacksmith, April 13, Cockermouth. *Off. Ass. Waugh; Sol. Moordaff, Cockermouth.—Pet. f. March 27.*

**VAMSON, SARAH**, Northbourne, Kent, widow, April 13, Deal. *Off. Ass. Hall.—Adj. March 31.*

**WATSON, WILLIAM**, West Fife, near Leven, Sussex, gentleman, April 10, Lewes. *Off. Ass. Blaker; Sol. Hillman, Cliffe, near Lewes.—Pet. f. March 23.*

**YEOMANS, ELIZABETH ANN**, and **YEOMANS, RICHARD FREDERICK**, Manchester, provision dealers, April 20, Manchester. *Off. Ass. Kay; Sol. Gardner, Manchester.—Pet. f. March 25.*

**YOUNGS, WILLIAM**, Norwich, road contractor, April 13, Norwich. *Off. Ass. Palmer; Sol. Sudd, Norwich.—Pet. f. March 28.*

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## BANKRUPTS.

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BENJAMIN, JOSEPH DAVID, Lenons-terrace, Stepney-green, general agent, April 21. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 31.

BILBY, WILLIAM, Leases Heath, Belvedere, Kent, hairdresser, April 18. Off. Ass. Graham; Sol. Dalrymple, 43, Bow-lane, Cheapside.—Pet. f. April 1.

BORER, CHARLES HAMMOND, Brook-street, Ratcliffe, grocer, April 21. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 30.

BRAMH, NATHANIEL HENRY, Stanley-street, Pimlico, artist, April 21. Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. March 31.

BROWNLOW, JOHN RICHARD, Bread-street-hill, packer, April 21. Off. Ass. Cannan; Sol. Lawrence & Co., 12, Bread-street.—Pet. f. April 1.

CHIFFERFIELD, THOMAS, Rutland-street, Stepney, general dealer, April 18. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 30.

CLEMENT, FREDERICK, Park-road, Clapham, butcher, April 13. Off. Ass. Edwards; Sol. Link, 14, Beaufort-buildings Strand.—Pet. f. March 26.

COMBER, SAMUEL, Worthing, Sussex, livery-stable keeper, April 16. Off. Ass. Graham; Sol. Stackpoole, Pinner's-hall.—Pet. f. March 31.

COOPER, JOHN, Southampton-street, Pentonville, corn dealer, April 21. Off. Ass. Cannan; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. March 31.

CULLEN, RICHARD, Vine-cottage, Providence-place, Shepherd's-bush, coal merchant, April 21. Off. Ass. Stansfeld; Sol. Cooke, 30, King-street, Cheapside.—Pet. f. March 30.

DAVIDSON, JAMES, Belvidere-road, Lambeth, baker, April 21. Off. Ass. Edwards; Sol. Terry, 13 and 14, King-street, Cheapside.—Pet. f. March 30.

DURANT, THOMAS, Poole, Dorsetshire, attorney-at-law, April 21. Off. Ass. Stansfeld; Sol. Stackpoole, Pinner's-hall.—Pet. f. March 24.

FAIRHALL, MARY, Beckley, Sussex, out of business, April 21. Off. Ass. Stansfeld; Sol. Hales & Co., 61, Cheapside.—Pet. f. April 1.

ELLINGWORTH, JAMES, Epping-place, Mile End, baker, April 21. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 30.

JAMES, EDWARD SIMS, Avenue-road, New-road, Hammersmith, gentleman, April 16. Off. Ass. Graham; Sol. Drake, 13, Gresham-street.—Pet. f. April 1.

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LEWIS, LUCIEN, John-street, Commercial-road East, general merchant, April 16. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 30.

MARSH, JOHN, Banstead Downs, Surrey, sub-contractor, April 21. Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. March 30.

PUDNEY, JAMES, Great Coggeshall, Essex, blacksmith, April 21. Off. Ass. Edwards; Sol. Digby & Co., 90, Chancery-lane.—Pet. f. March 30.

ROHRS, WILHELM, Welclose-square, St. George's-in-the-East, out of business, April 30. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 30.

RUCK, WILLIAM DENNY, Duke-street, London-bridge, provision agent, April 21. Off. Ass. Edwards; Sol. Abrahams, 17, Gresham-street.—Pet. f. March 19.

RYDE, HENRY THOMAS, Burlington-villas, Paddington, commission agent, April 21. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 30.

SHAROOD, CHARLES JAMES, Birchmore-place, Cardigan-street, Hampstead-road, attorney's clerk, April 13. Off. Ass. Stansfeld; Sol. Linklaters & Co., 7, Walbrook.—Pet. f. April 1.

SIMPSON, JAMES, Nottingham-place, Charlotte-street, Whitechapel, out of business, April 20. Off. Ass. Stansfeld; Sol. Chidley, 25, Old Jewry.—Pet. f. April 2.

THOMAS, JAMES TOMBER, Gloucester-grove West, Old Brompton, gentleman, April 13. Off. Ass. Graham; Sol. Tonge, 34, Upper King-street, Bloomsbury.—Pet. f. March 31.

TUCKWELL, SAMUEL, Edmonton, music seller, April 13. Off. Ass. Graham; Sol. White, 8, Dane's-inn, Strand.—Pet. f. April 1.

TURTON, JOSHUA, Labour-road, Camden-town, ex police constable, April 13. Off. Ass. Graham; Sol. Kearns, 5, Charing-cross.—Pet. f. March 27.

SWIFT, THOMAS MORRIS, Woodford, Essex, commercial clerk, April 21. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. April 1.

WELHAM, ALFRED ROBERT, Nelson-square, Blackfriars-road, merchant's clerk, April 21. Off. Ass. Cannan; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Feb. 28.

WENSLEY, WILLIAM, Princes-square, St. George's-in-the-East, of no occupation, April 13. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. March 24.

*To be heard in the Country.*

ANDREWS, WILLIAM HENRY, Oxford, butcher, April 15, Oxford. Off. Ass. Dudley; Sol. Thompson, Oxford.—Pet. f. March 27.

ARNOLD, ROBERT, Newark-upon-Trent, Nottinghamshire, cabinet maker, April 22, Nottingham. Off. Ass. Harris; Sol. Hodgkinson & Co., Newark-upon-Trent.—Pet. f. March 31.

BARGENT, WILLIAM, Basing, Southampton, butcher, April 11, Basingstoke. Off. Ass. Lamb; Sol. Chandler, Basingstoke.—Pet. f. March 30.

BELL, HENRY, West Hartlepool, Durham, grocer, April 14, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Brignal, Durham.—Pet. f. March 20.

BILLINGS, JOSEPH, Burnham, Staffordshire, bootmaker, April 17, Birmingham. Off. Ass. Whitmore; Sol. James & Co., Birmingham; Twigg, Burnham.—Pet. f. March 20.

BROADHEAD, GEORGE, Grenoside, Yorkshire, stone merchant, April 15, Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. April 1.

BROOKE, JOHN, Huddersfield, Yorkshire, corn miller, April 16, Huddersfield. Off. Ass. Jones; Sol. Drake, Huddersfield.—Pet. f. March 23.

BROWN, ROBERT, Leeds, builder, April 20, Leeds. Off. Ass. Carrick; Sol. Clarke, Leeds.—Pet. f. April 1.

BROWN, SAMUEL, Baglawton, Cheshire, stonemason, April 11, Congleton. Off. Ass. Latham; Sol. Cooper, Congleton.—Pet. f. April 1.

BRYAN, RICHARD STURROCK, East Worlington, Devonshire, clerk in orders, April 15, Exeter. Off. Ass. Hirtzel; Sol. Clarke, Exeter.—Pet. f. March 31.

BURGESS, JOSEPH, Tarporley, Cheshire, farmer, April 20, Liverpool. Off. Ass. Turner; Sol. Cartwright, Chester.—Pet. f. April 1.

BURTON, FRANCIS, Williton, Somersetshire, cordwainer, April 11, Williton. Off. Ass. White; Sol. White, Williton.—Pet. f. March 27.

COMBSIE, JOSEPH WEBSTER, Lowestoft, Suffolk, accountant, April 20, Lowestoft. Off. Ass. Chater; Sol. Leage, Lowestoft.—Pet. f. March 30.

COTTELL, ALEXANDER THOMPSON, Norton, Durham, forge master, April 17, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Newby & Co., Stockton.—Pet. f. March 28.

CRANE, ABRAHAM, Wilden, near Stourport, Worcestershire, licensed victualler, April 15, Birmingham. Off. Ass. Whitmore; Sol. James & Co., Birmingham.—Pet. f. April 1.

DALY, JOHN ULLIN, Lowestoft, Suffolk, smack master, April 20, Lowestoft. Off. Ass. Chater; Sol. Leage, Lowestoft.—Pet. f. March 31.

DAVIS, GEORGE, Blithampton, Worcestershire, carpenter, April 21, Pershore. Off. Ass. Hudson; Sol. Wilson, Worcester.—Pet. f. March 23.

DEWHANT, JOHN, Nottingham, chemist, April 22, Nottingham. Off. Ass. Patchitt; Sol. Heath, Nottingham.—Pet. f. March 30.

DISHLEY, THOMAS, Newcastle-under-Lyme, Staffordshire, licensed victualler, April 15, Newcastle-under-Lyme. Off. Ass. Sianey; Sol. Tenant.—Pet. f. March 31.

DRURY, BENJAMIN JOSEPH, Selsey, Sussex, clerk in holy orders, April 15, Chichester. Off. Ass. Sowton; Sol. Goodman, Brighton.—Pet. f. March 30.

EATON, JOHN, Stretford, Lancashire, out of employment, April 18, Salford. Off. Ass. Hulton; Sol. Horne, Manchester.—Pet. f. March 31.

EDMONDSON, JOHN, Preston, Lancashire, tallow merchant, April 23, Manchester. Off. Ass. Fraser; Sol. Myres, Preston; Cooper & Co., Manchester.—Pet. f. April 1.

EVANS, GEORGE, Kenilworth, Warwickshire, schoolmaster, April 15, Warwick. Off. Ass. Tibbits; Sol. Kilby, Banbury.—Pet. f. March 20.

FAWCETT, HENRY, Dewsbury, Yorkshire, timber merchant, April 20, Leeds. Off. Ass. Carrick; Sol. Holt & Co., Horbury; Simpson, Leeds.—Pet. f. March 27.

FISHER, JAMES, Newbury, Berkshire, smith, April 17, Newbury. Off. Ass. Vines; Sol. Cave, Newbury.—Pet. f. March 30.

FISHER, JOSEPH, Cardiff, Glamorganshire, umbrella maker, April 21, Cardiff. Off. Ass. Langley; Sol. Wilcocks, Cardiff.—Pet. f. April 2.

FOWLER, WILLIAM BAVIS, Duffield, Derbyshire, coal merchant, April 14, Belper. Off. Ass. Ingle; Sol. Walker, Belper.—Pet. f. March 23.

FRENCH, ISAAC, Taunton, Somersetshire, tailor, April 17, Exeter. Off. Ass. Hirtzel; Sol. Reasiter, Taunton.—Pet. f. April 1.

GOWER, GEORGE, Maidstone, Kent, musician, April 14, Maidstone. Off. Ass. Scudamore; Sol. Goodwin, Maidstone.—Pet. f. March 30.

HANDELEY, FREDERICK, Boston, Lincolnshire, potato dealer, April 15, Boston. Off. Ass. Staniland; Sol. Bailes, Boston.—Pet. f. March 30.

HANDSON, GILBERT BURTON, Winteringham, Lincolnshire, butcher, April 14, Barton-on-Humber. Off. Ass. Brown; Sol. Bygott, Barton-on-Humber.—Pet. f. March 31.

HANNAM, JOSEPH SIMPSON, Thruscross, near Otley, Yorkshire, farmer, April 23, Ripon. Off. Ass. Heslop; Sol. Harle, Leeds.—Pet. f. March 30.

HANSON, CHARLES SIDNEY, Wolverhampton, doctor of medicine, April 15, Birmingham. Off. Ass. Kinneir; Sol. Rooke, Birmingham.—Pet. f. March 30.

HARRIS, GEORGE, Epworth, Lincolnshire, blacksmith, April 15, Thorne. Off. Ass. Fox; Sol. Phillips, Thorne.—Pet. f. March 23.

HILL, JOHN, Dymock, Gloucestershire, out of business, April 23, Newent. Off. Ass. Cooke; Sol. Wilkes, Gloucester.—Pet. f. March 28.

HOBSON, DENT, Darlington, Durham, wheelwright, April 15, Darlington. Off. Ass. Bowes; Sol. Stevenson, Darlington.—Pet. f. March 26.

HOLDEN, EDWARD, Ilkstone, Derbyshire, saddler, April 14, Belper. Off. Ass. Ingle; Sol. Jessop, Ilkstone.—Pet. f. March 30.

HOLE, WILLIAM, Eastwood, Nottinghamshire, assistant to the Friendly Industrial Provident Society (Limited), April 22, Nottingham. Off. Ass. Patchitt; Sol. Quarles, Nottingham.—Pet. f. April 1.

HORLEY, JOSEPH, Ilkstone, Derbyshire, tailor, April 14, Belper. Off. Ass. Ingle; Sol. Jessop, Ilkstone.—Pet. f. March 30.

HURST, JAMES, Rochdale, Lancashire, coal dealer, April 23, Manchester. Off. Ass. Pott; Sol. Holland, Rochdale; Smith & Co., Manchester.—Pet. f. March 31.

JEFFERY, JOHN, Halifax, out of business, April 16, Leeds. Off. Ass. Young; Sol. Wavell & Co., Halifax; Bond & Co., Leeds.—Pet. f. March 31.

[For continuation of Gazette, see p. 128, col. 2.]

CONTENTS.

London Gazette.....	130
Leading Article .....	131
"No One is bound to criminate Himself"—The Prac- tice on this Rule .....	132
"Not Received in Evidence" .....	134
Book Received .....	135
Form of a Ticket-of-Leave .....	135
Court Papers:—Common-law Sittings and Cause Lists, Easter Term, 1863 .....	135

NAMES OF THE CASES REPORTED.

PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

The Great Western Railway Company of Canada, Apprs., Jane Fawcett, Resp.—The Great Western Railway Company of Canada, Apprs., Margaret M'Kay Braid, Resp.—(Railway company—Neg- ligence—Construction of the line—Onus probandi —Misdirection) .....	339
--	-----

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Rolt v. White.—(Assignee of chose in action—Agree- ment—Action at law—Set-off—Account—Frau- dulent suppression of contract) .....	343
---	-----

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Tyrwhitt v. Tyrwhitt.—(Merger—Intention) .....	346
--	-----

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Phillipps v. The London, Brighton, and South-coast Railway Company and F. Slight.—(Railway com- pany—Diversión of public road—Railways Clauses Consolidation Act, sect. 18—Injunction —Conduct of parties—Costs) .....	348
In re Brown's Trust Estate.—(25 & 26 Vict. c. 108, s. 2—Sale of land by trustees, excepting minerals —Service of petition on beneficiaries) .....	349
Holder v. Ramabottom.—(Will—Construction—Le- gacy of furniture, excepting plate) .....	350

VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

In re The Trustee Relief Act, and in re Maxwell's Trusts.—(Apportionment Act, 4 & 5 Will. 4, c. 22 —Dividend—Company) .....	350
---	-----

COURT OF QUEEN'S BENCH.

By C. W. LOVEST, Barrister at Law.

Page v. Meek.—(Sale of goods—Payment—Deposit in hands of third person—Pleading) .....	352
Sharp, App., Hainsworth, Resp.—(Master and ser- vant—Artificers—Deduction from wages in re- spect of bad workmanship—Jurisdiction of jus- tices—20 Geo. 2, c. 19, s. 1) .....	353

COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Shepherd v. Payne.—(Fees of registrar of an arch- deaconry—Immemorial usage—Evidence—Arch- deacon's visitation) .....	354
---	-----

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Ridley v. Satton.—(Costs—1 Will. 4, c. 22) .....	358
Newall v. Elliott and Another.—(Estoppel—Patent —Arbitration) .....	359

COURT OF PROBATE.

By DR. MIDDLETON.

In the Goods of William Mitcheson, Deceased.— (Will—Revocation by destruction—Presumption) .....	360
In the Goods of Sir J. W. Deans Dundas, Deceased.— (Will—Deeds referred to—Incorporation—Pro- bate) .....	360

COURT OF ADMIRALTY.

By W. E. BROWNING, Barrister at Law.

The Tharis.—(Stoppage in transitu—Vendor and vendee—Duty of master to deliver—Evidence of conversion—"Breach of duty"—24 Vict. c. 10, s. 6—Conflicting claims under two bills of lading) .....	361
---	-----

THE JURIST.

LONDON, APRIL 11, 1863.

EARLY in the present session of Parliament, Mr. Bouverie brought into the House of Commons, a Bill to prohibit the Issue of Writs for Actions of Debt in the Superior Courts for Sums not exceeding Twenty Pounds. This bill he has since withdrawn, and substituted another for it; and, as the subject is well deserving the attention of the Profession, we proceed to state the provisions of this latter bill, and shew its points of difference from the former.

The bill, after reciting that "It is desirable to protect debtors from being sued in the superior courts of common law for sums not exceeding 20*l*," enacts in its 1st section, which is substantially the same in both bills, that "It shall not be lawful for any person to take out a writ of summons in an action for the recovery of a debt in the superior courts of common law, where the debt claimed shall not exceed 20*l*, unless by the leave of one of the judges of her Majesty's superior courts of common law at Westminster, upon such terms as to payment of costs, giving security for costs, or otherwise, as the judge shall think fit, nor in the Court of Common Pleas of Lancaster and Durham."

The 2nd section, which, with the exception of the

words which we have marked with *italics*, is the same in both bills, enacts, that, "In all cases where the plaintiff dwells more than twenty miles from the defendant, or where the cause of action did not arise wholly or in some material point within the jurisdiction of the court within which the defendant dwells or carries on his business at the time of the action brought, such plaintiff may, *if he does not claim a sum exceeding 50*l*.*, bring his action in the county court within the jurisdiction of which he either dwells or carries on business, upon giving security to the registrar of the said county court, *either with or without sureties, as to the registrar may seem requisite*, for the costs of the defendant, not exceeding in the whole the sum of 10*l*."

The remaining clause of the present bill is entirely new, and is as follows:—"In any action in a county court for a debt or a liquidated money demand not less than 40*s*. the plaintiff may, at his option, cause to be issued a summons in the ordinary form or in the form contained in the Schedule (B.), and numbered one, to the act passed in the session of Parliament holden in the 19 & 20 Vict. c. 108, and if such last-mentioned summons be issued it shall be personally served on the defendant twelve clear days at the least before the return day thereof, and then, if the defendant shall not, at least six clear days before such return day, give notice in writing signed by

himself, his attorney or agent, to the registrar of the court from which the summons issued, of his intention to defend, the plaintiff may, in or within one month after such return day, without giving any proof of his claim, have judgment entered up against the defendant for the amount of his claim and costs, such costs to be taxed by the registrar; and the order upon such judgment shall be for payment forthwith, or at such time or times and by such instalments, if any, as the plaintiff or his attorney or agent shall in writing have consented to take at the time of the entry of the plaint."

We quite appreciate Mr. Bouverie's motives in the two first clauses, which are manifestly intended to carry out the principle on which county courts are established, namely, that for the recovery of small debts, justice should be brought home to every man's door, and that he should not be allowed to inflict, either on his debtor or himself, the delay and expense of a suit in Westminster Hall. But we question the machinery by which Mr. Bouverie seeks to carry out this desirable object. The judges at chambers have already ample work on their hands, without casting on them the additional duty of trying cases by anticipation, on ex parte affidavits, in order to determine whether they are proper to be brought into Westminster Hall. We do not see why any plaintiff should not be at liberty to sue there for any amount, however small, provided he is willing to forego his costs in the event of success, and give security for the defendant's costs in case of failure. But still less do we see why he should be at liberty to drag the defendant away from his own forum to that of the plaintiff. If the law in this respect is to be altered, why should not the plaintiff be required to seek the forum of the defendant?

But the 3rd clause is, to our mind, even more objectionable. It is founded on this principle, that in a suit for a liquidated demand, unless the defendant sends to the plaintiff notice that he means to dispute the claim, the plaintiff may enter up judgment. This is inconsistent with the elementary idea of a court of justice; whose duty it is to decide on the merits of claims made by parties, and even in those cases where the party sued admits that he has no defence to the claim, he makes that admission either expressly to the court, or tacitly by non-appearance. But the putting the plaintiff in the position of the court, by leaving it in his hands to sign judgment, unless the defendant has sent, or the plaintiff alleges that he has sent, notice to him of an intention to dispute the demand, is at variance with all received notions. Besides which, this proposition of Mr. Bouverie proves too much. If this proposed legislation is good, why should the amount of the demand be limited? If the plaintiff may be both "actor" and "judex" when the demand does not exceed 40s., why not when it does not exceed 40,000s.? The smallness of the amount can make no difference in principle, and the attempt to make it do so looks like class legislation; for his 40s. is as dear to the poor man as a much larger sum is to the rich one.

We trust that this bill will receive from the House

of Commons the attention its importance merits, seeing that its provisions materially affect the administration of justice among the inferior classes of the community.

### "NO ONE IS BOUND TO CRIMINATE HIMSELF"—THE PRACTICE ON THIS RULE.

It is not our intention, in this article, to discuss the various cases which have determined the extent to which the maxim, "that no one is bound to criminate himself," obtains in this country. Our text-books (Taylor's Ev. 1174; Best's Ev. 162) are sufficiently explicit on this point. We propose to consider some questions which have arisen in the application of the rule—one of which has been the subject of much doubt.

1. It was at one time thought, that if a witness did not claim his privilege at once, but commenced replying to questions, the answers to which would have a tendency to criminate him, he was obliged to go on. In *East v. Chapman* (1 Moo. & M. 47), Abbott, C.J., told a witness, that he might have refused to answer at all; but that, having partially answered, he was bound to give the whole truth. This point, however, was raised in *Reg. v. Garbett* (2 Car. & K. 474); and it was there held, that it made no difference in the right of the witness, that he had before answered in part, but that he was entitled to claim the privilege at any stage of the inquiry. In this case, Wilde, C.J., said that it was the universal practice for the judge, when he ascertained from the opening, or from the course of the cause, that the evidence of a witness was likely to criminate him, to give a caution to the witness. In *Lord Cardigan's case* (Gurney's Rep. 79), Sir James Anderson was thus cautioned by the Lord High Steward; and the same course was adopted by the learned judge who presided at the trial in *Fisher v. Ronalds* (17 Jur., part 1, p. 398).

2. A witness must be sworn before he can claim the privilege. He cannot decline going into the box, on the ground that, if questioned on the point at issue, he would by answering criminate himself. (*Osborne v. The London Dock Company*, 10 Exch. 698). In *Boyle v. Wiseman* (10 Exch. 647) it was held, that a party to a suit, who is subpoenaed as a witness, cannot object to be sworn and examined, on the ground that the only relevant questions which could be put to him are such as would tend to criminate himself; but that the party opposite has a right to insist on his being sworn and examined, and he must then, if he thinks fit, claim his privilege not to answer any question which might be put to him.

3. It is well established that counsel will not be heard in support of the privilege of refusing to answer when claimed. In *Thomas v. Newton* (1 Moo. & M. 48, note), when counsel for the plaintiff objected that a particular question related to a matter on which the witness had claimed his privilege, and that he was not bound to answer it, Lord Tentarden, C.J., said that the objection belonged to the witness, and that he would not allow the counsel in the cause to

argue it. This view was also confirmed in *Reg. v. Garbett* (ubi sup.) This rule, the policy of which is doubtful, might not be held to apply to the case of counsel suggesting to a witness the danger he was in, and the privilege he could claim, if the judge neglected to give him the proper caution in time. In *Fisher v. Ronalds*, Byles, Serjt., suggested that the witness was not bound to answer the question, as his answer might tend to criminate himself; and the learned judge then cautioned the witness, who thereupon declined to answer the question.

4. The greatest difficulty in applying the rule that one is bound to criminate himself, has been found in ascertaining whether the witness or the Court is to decide whether the answers to any questions put, would be likely to have this effect. On this point the law has been latterly in a very unsettled state; and though in a recent case (*Reg. v. Boyes*, 1 B. & S. 311) it has been made the subject of a judicial decision, there remains about it sufficient difficulty to justify such an examination of the recent authorities as would disclose the principles on which this part of our law is based. The question was raised in *Reg. v. Garbett*, but the judges came to no decision respecting it. In the Chancery case of *Short v. Mercier* (15 Jur., part 1, p. 93), the defendants objected to answer various interrogatories, on the ground, that as stock-brokers, they were advised they might subject themselves to the penalties of the Stock-jobbing Act. The Lord Chancellor (Lord Truro), after commenting upon the difficulties of the rule, said, that the question was, whether the defendants, upon the present occasion, had shewn to the Court sufficient circumstances to entitle them to credit for the oath which they had made, and to protect them from answering the questions put to them. His Lordship, throughout his judgment, proceeds upon the ground that the witness must disclose such circumstances as would shew the Court that the answers might place him in some peril. The principles upon which Lord Truro decided this case, are the same as those at which the Court of Queen's Bench has recently arrived in *Reg. v. Boyes*. But in the case of *Fisher v. Ronalds* (17 Jur., part 1, p. 393) the law was thrown into a state of confusion by the dicta of two eminent judges, from which it has only lately been partially rescued. In this case, which came for consideration before the Court in banc, Maule, J., said, "It is impossible for any one but the witness to say whether his answer will or will not tend to criminate him. He might be asked the simple question, 'Were you in London on a certain day?' and he might decline to answer, knowing that his admission that he was in London on that day was one step towards proving that he committed a murder there on that day. . . . The judge, in fact, never decides the question, but the witness. It is for the witness to say, on his oath, whether he believes that the question tends to criminate; and if he does, his answer is conclusive." Jervis, C.J., entirely concurred in this view; but Williams, J., said that it was unnecessary in this case to decide the point, because here the question put evidently might have a tendency to criminate the witness. In *Osborne v. The London Dock*

*Company* (10 Exch. 698), though the dicta of the judges in *Fisher v. Ronalds* were considered, Parke, B., was of opinion that the weight of the authorities was in favour of the rule which requires the witness to satisfy the Court that the answer would have the effect of criminating him. In *Sidebottom v. Atkins* (3 Jur., N.S., part 1, p. 631), Sir J. Stuart, V.C., expressed his surprise at the opinions of Jervis, C.J., and Maule, J., in *Fisher v. Ronalds*, opinions which he thought were not countenanced by the authorities. He referred to Best on Evidence, and to Phillips on Evidence, and concurred with the view of these learned authors, that it was impossible to say that a witness in a court was to be the sole judge, but the Court must, according to the circumstances of the case, decide whether the statement of the witness was to be conclusive upon the subject. In *Adams v. Lloyd* (4 Jur., N.S., part 1, p. 590), Pollock, C.B., in delivering the judgment of the Court, strongly expressed his concurrence with the view of Maule, J., in *Fisher v. Ronalds*. He said that it would be very inconvenient to lay down, as a limit to the rule, that the party questioned is bound to satisfy the judge, or any one else, that the answer to the question might criminate him. "The only exception," said the learned Chief Baron, "I make is this—if the state of things disclosed before the Court is such as renders the judge perfectly certain, that in claiming protection, the witness is trifling with the authority of the Court, and availing himself of the rule to keep back the truth, having in reality no ground whatever for the excuse he is making for not answering the question put to him, then it would be the duty of the judge to insist upon his answering the question." Sir W. P. Wood, V.C., adopted this view in *Scott v. Miller* (5 Jur., N.S., part 1, p. 858), and insisted that a party claiming his privilege of refusing to answer, must swear to his belief that his answer will subject him to risk. In *Ex parte Aston* (5 Jur., N.S., part 1, p. 779) the witness refused to answer, and gave a clearly insufficient reason for not doing so. Sir J. L. Knight Bruce wished to be understood as not expressing any opinion on the observations attributed to Maule, J., in *Fisher v. Ronalds*. In that case the witness, in refusing to answer a question, had not given any reason for his refusal. Here, however, the witness had given as his reason, and his only reason, for not answering, that which was no reason at all.

Excepting only the opinion of Parke, B., in *Osborne v. The London Dock Company*, and the strong expressions of Sir J. Stuart, V.C., in *Sidebottom v. Atkins*, the authorities since *Fisher v. Ronalds* lean hitherto towards the view propounded by Maule, J., in that case. However, in *Ex parte Fernandes* (7 Jur., N.S., part 1, p. 571), Willes, J., prepared the way for the establishment of the law on this point on the basis suggested by Lord Truro in *Short v. Mercier*, and advanced by Mr. Best in the second edition of his work on Evidence. In this case the learned judge, in delivering his most elaborate judgment, said—"As to the objection, that the witness refusing to answer was no offence, because it was for the witness, and not the judge, to determine whether the question was one which he was bound to answer, that is a startling proposition. Some judges,

out of tenderness for the witness, have held it a sufficient excuse if he swears that, in his opinion, where such an opinion may be well founded, his answer will expose him to such proceedings; some have thought that too loose and yielding a course; but there has never been any doubt that it is for the Court to decide whether the circumstances judicially before it are such as to excuse the witness from answering." The question was next considered in *Reg. v. Boyes* (1 B. & S. 311), where, after a careful examination of all the authorities, it was made the subject of a solemn judicial decision. The judgment of Cockburn, C. J., in this case has removed nearly all the difficulties in the application of the rule, and will for the future be considered as containing the correct interpretation of the law on this point. The case of *Reg. v. Boyes* was a trial on an information for bribery, filed by the Attorney-General, under the direction of the House of Commons. One of the persons charged in the information to have been bribed by the defendant was called as a witness, and on his declining to answer any question with respect to the alleged bribery, the counsel for the Crown handed him a pardon under the Great Seal, which the witness accepted; but he still declined to answer, on the ground, that, notwithstanding the pardon, he was still, by the Act of Settlement, 12 & 13 Will. 3, c. 2, s. 3, liable to impeachment. The case came before the Court of Queen's Bench; and Cockburn, C. J., in delivering the judgment of the Court, made use of the following observations, which, on account of their great importance, we must give in extenso:—

"It was also contended that a bare possibility of legal peril was sufficient to entitle a witness to protection; nay, further, that the witness was the sole judge as to whether his evidence would bring him into danger of the law; and that the statement of his belief to that effect, if not manifestly made *malâ fide*, should be received as conclusive. With the latter of these propositions we are altogether unable to concur. Upon a review of the authorities, we are clearly of opinion that the view of the law propounded by Lord Wensleydale in *Osborne v. The London Dock Company*, and acted upon by Sir J. Stuart, V. C., in *Sidebottom v. Atkins*, is the correct one; and that to entitle a party called as a witness to the privilege of silence, the Court must see from the circumstances of the case, and the nature of the evidence which the witness is called to give, that there is reasonable ground to apprehend danger to the witness from being compelled to answer. We, indeed, quite agree, that if the fact of the being in danger be once made to appear, great latitude should be allowed to him in judging for himself of the effect of any particular question; there being no doubt, as observed by Alderson, B., in *Osborne v. The London Dock Company*, that a question which might appear at first sight a very innocent one, might, by affording a link in a chain of evidence, become the means of bringing home an offence to the party answering. Subject to this reservation, a judge is, in our opinion, bound to insist on a witness answering, unless he is satisfied that the answer will tend to place the witness in peril."

### "NOT RECEIVED IN EVIDENCE."

THE first Stamp Act, 5 & 6 Will. & M. c. 21, enacted, that no writing thereby charged with a stamp duty should be pleaded or given in evidence in any court, or admitted in any court to be good, useful, or available in law or equity, unless duly stamped. This provision was adopted or repeated, in substance, by the subsequent Stamp Acts, and is now in force, and applicable to all instruments liable to stamp duty. (31 Geo. 3, c. 25, s. 19; 55 Geo. 3, c. 184, s. 8). The decisions prior to the 19th December, 1862, were considered to have established this distinction with regard to the application of the enactment—that an instrument cannot be received in evidence for any purpose in favour of the party producing it, on the footing of its being operative or binding in any part of it which requires a stamp, and is not duly stamped; but if, by producing it, any purpose can be served which does not involve the assumption that the deed is operative, it may be produced for that purpose; and an instrument not duly stamped may be relied on *against* the party producing it or proving its existence, for the purpose only of defeating a claim supported by other evidence which would be excluded by the unstamped instrument if its contents were proved.

Thus, a party who produced or proved, on his own behalf, the existence and contents of an instrument not duly stamped, was thereby prevented from giving parol evidence of a contract contained in it; although, if he made out his case without shewing the existence of the unstamped writing, the other party could not take the objection. (*Reed v. Deere*, 7 B. & Cr. 266; *Fielder v. Ray*, 6 Bing. 332; *Hughes v. Budd*, 4 Jur. N. S., part 1, p. 651).

So, in an indictment for forging a bill of exchange, the forged document was admissible without a stamp, for the object was to shew that it was *not* what it purported to be (*Ree v. Hawkenworth*, 1 T. R. 450); but, in an indictment for stealing a bill of exchange, the document, if unstamped, being incapable of being stamped after execution, was inadmissible (*Ree v. Pooley*, 3 B. & P. 311); and an unstamped policy of insurance was inadmissible in an indictment for fraudulent arson (*Ree v. Gillson*, 1 Taunt. 95); and an unstamped receipt for money could not be read in an indictment for embezzling the money. (*Ree v. Hall*, 3 Stark. 97).

There are many other authorities to the same effect; but it is unnecessary to cite them, because they have all been overruled by the important decision of the Lord Chancellor in *Ex parte Wensley*, in *re Wensley* (9 Jur. N. S., part 1, p. 315), where the question arose upon the application of the 194th section of the Bankruptcy Act, 1861, which requires certain deeds of arrangement between a debtor and his creditors to be registered in the Court of Bankruptcy within twenty-eight days after execution by the debtor, and enacts, that such deeds "in default thereof shall not be received in evidence." There is no exception or qualification, and the prohibition is obviously and without doubt identical in meaning and effect with that which we have

cited from the Stamp Act. In *Ex parte Wensley*, J. Wensley, a builder, had executed a deed between himself of the first part, J. B. of the second part, and the several persons whose names and seals were thereunto subscribed and affixed, being creditors of the said J. W., of the third part, by which Wensley conveyed two plots of land and the buildings thereon to J. B., upon trust to sell and apply the proceeds of the sale, first, in payment of the costs and charges of the solicitor of the debtor, and of the accountant, in relation to the arrangement, as well future as past, and then rateably in payment of the debts owing to such of the creditors as should execute the deed; and the executing creditors released the debtor. No other property was assigned, and the deed was not registered. The Lord Chancellor decided that the deed could be produced in evidence by a petitioning creditor, to shew that by the execution of it the debtor committed an act of bankruptcy; and he held, that the execution did amount to an act of bankruptcy. His Lordship said, "Supposing that a creditor sued the bankrupt, and the bankrupt produced the deed as a release; or supposing that the creditor [trustee?] brought an action, say of ejectment or trover, and the deed were produced, if it turned out that it had not been registered, the deed would not be receivable in evidence. But as the act of the bankrupt, and as against the bankrupt, though not registered, it may always be received in evidence to undo the deed, though not to support any right of the bankrupt. It cannot be received as proof of any title or release under it. The deed was rightly received in evidence."

The principle of the decision may, perhaps, be thus stated—though it is always unsafe to attempt any paraphrase of the terse and lucid language of the present Lord Chancellor:—A deed which by law cannot be received in evidence, may be received in evidence to undo the deed—i. e. to lead to a conclusion founded on the assumption that the deed is operative; or, a deed of conveyance which by law cannot be received in evidence may be received in evidence to prove the conveyance; or, a deed which cannot be received in evidence so as to delay creditors, may be received in evidence to shew that creditors are delayed by it.

Any discussion of the comparative merits of the construction which the Lord Chancellor has adopted, and that which he has overruled, may be deferred until the application and limits of the new doctrine have been illustrated by further decision.

G. S.

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### BOOK RECEIVED.

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The Legal Exemption of the Clergy from Turnpike Tolls. By the Rev. J. S. Sidebotham, M. A., Chaplain of New College, and City Lecturer at St. Martin Carfax, Oxford.—Oxford: T. & G. Shrimpton, Broad-street; H. Spackman, Queen-street. London: Whittaker & Co. Cambridge: Macmillan & Co. Abingdon: Parsons, Market-place. 1863.

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### FORM OF A TICKET-OF-LEAVE.

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THE following return to an order of the House of Commons appears among the parliamentary papers issued on Tuesday, being the form of a convict's ticket-of-leave:—

*Order of License to a Convict made under Stats. 16 & 17 Vict. c. 93. s. 9, and 20 & 21 Vict. c. 3.*

*Whitehall,*

— day of —, 185—.

Her Majesty is graciously pleased to grant to —, who was convicted of — on the — day of —, and was then and there sentenced to be transported beyond the seas for the term of — years, her royal license to be at large in the United Kingdom, from the day of his liberation under this order during the remaining portion of his said term of transportation, unless it shall please her Majesty sooner to revoke or alter such license. And her Majesty hereby orders that the said — be set at liberty within thirty days from the date of this order.

Given under my hand and seal.

(Signed) Chairman of the Directors  
of Convict Prisons.

[True copy.]

(Indorsement).

### NOTICE<sup>o</sup>.

1. This license is liable to be revoked in case of misconduct.

2. It will be revoked in the case of the holder of it being convicted of any new offence, unless the punishment for that offence extends beyond the term of his former sentence.

But it is not necessary that the holder should be convicted of any new offence.

If he associates with notoriously bad characters, and leads an idle and dissolute life, with no visible means of obtaining an honest livelihood, he will be liable to be recommitted to prison under his original sentence.

3. If his license is revoked, he will have to undergo the whole remaining portion of his original sentence.

### Description.

[Here follows a description of the convict, much in the style of a foreign passport.]—*Morning Post.*

\* N. B.—The foregoing form of notice was in use up to December, 1859, when the word "will," in the second and third paragraphs, was altered to "may."

[The note particularly merits attention.—ED. JUR.]

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### Court Papers.

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NISI PRIUS SITTINGS, IN AND AFTER  
EASTER TERM, 1863.

### Court of Queen's Bench.

#### In Term.

MIDDLESEX.	LONDON.
1st sitting, Thured., April 16	1st sitting, Monday, April 20
2nd sitting, Wednesday .. 22	2nd sitting, Monday .... 27
3rd sitting, Wednesday .. 29	
For undefended causes only.	

#### After Term.

Saturday ..... May 9 | Wednesday ..... May 13

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in



term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days. Special juries will be tried in London at the sittings after term.

### Court of Common Pleas.

#### In Term.

MIDDLESEX.	LONDON.
Thursday ..... April 16	Monday ..... April 20
Wednesday ..... 22	Monday ..... 27

#### After Term.

Saturday ..... May 9 | Wednesday ..... May 13

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

### Exchequer of Pleas.

#### In Term.

MIDDLESEX.	LONDON.
1st sitting, Thurs., April 16	1st sitting, Monday, April 20
2nd sitting, Wednesday .. 22	2nd sitting, Monday .... 27
3rd sitting, Wednesday .. 29	

#### After Term.

Saturday ..... May 9 | Wednesday ..... May 13

The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

### COMMON-LAW CAUSE LISTS, EASTER TERM, 1863.

#### Court of Queen's Bench.

##### NEW TRIALS.

##### FOR JUDGMENT.

London.—Taylor v. Caldwell  
Liverpool.—Kilshaw v. Jukes

##### FOR ARGUMENT.

*Moved Easter Term, 1860.*  
Midd.—Betts v. Menzies  
*Moved Easter Term, 1862.*  
Midd.—Denton v. Crawley  
London.—Lindsey v. Leathley  
—McCrear v. Holdsworth  
—Hemsworth v. Smyth  
Devon.—Harvey v. Mortimore  
and Kelland (D. to be argued with this rule)  
—Same v. Mortimore and Jeffery (Ditto)  
—Same v. Mortimore and Kelland (Ditto)  
—Same v. Mortimore and Jeffery (Ditto)  
Glamorg.—Richards v. Morgan  
—Morgan v. Morgan  
*Tried during Term.*  
Midd.—Wand v. Lampert  
London.—Balls v. Bourner  
—Same v. Same  
*Moved Trin. Term, 1863.*  
London.—Smith & an. v. New River Co.  
—Rothera v. Clark  
*Tried during Term.*  
Midd.—Tenant v. Bankhart  
*Moved Mich. Term, 1862.*  
Midd.—Marshall v. Goldby

London.—Westcott and Wife v. London, Brighton, & South-coast Railway Co.  
—Hales v. London & North-western Railway Co.  
—Grant v. Humphrey  
—Oppenheim v. Fry  
—Roberts v. Shaw & an.  
—Gellatt v. Rodocanachi  
—Perez & an. v. Alsop  
Chester.—Reg. v. Lord Delamere & an.  
Liverpool.—Clarke v. Taylor  
—Taylor v. Clarke & an.  
Hants.—Barnes v. Minchin  
Wilts.—Freeman v. Read  
—Woolford v. Read  
—Barnes v. Read  
Dorset.—Polden v. Bastard  
Kent.—Mennell v. Mayor, &c. of the City of Rochester  
Sussex.—Bellamy v. Saul  
Surrey.—Locksley v. Rhys  
Glamorgan.—Reynolds v. Crawley (Not till Crawley v. Reynolds disposed of)  
*Tried during Term.*  
London.—Harrison v. Hollingsworth  
*Moved Hil. Term, 1863.*  
Midd.—Ruttinger v. Temple  
Liverpool.—Jones v. Liverpool Steam-tug Co.  
*Tried during Term.*  
Midd.—Bailey v. Edwards.

### SPECIAL PAPER.

Those marked thus \* are Special Cases, and thus † De-murrers.

#### FOR JUDGMENT.

\*Calcutta & Burmah Steam Navigation Co. (Limited) v. De Mattos  
\*De Mattos v. Calcutta and Burmah Steam Navigation Co. (Limited)  
\*Osborn v. Donald

#### FOR ARGUMENT.

†Mason v. Glamorganahire Canal Co. (Stands for arrangement)  
\*Great Western Railway Co. v. Barnage (Stands over for amendment)  
†Harvey v. Mortimore and Jeffery (To be argued with the case in the New Trial Paper)  
†Harvey v. Mortimore and Kelland (Ditto)  
†Royal Mail Steam-packet Co. v. Reg. (Petition of right. A Sp. C. to be agreed on)  
†Holden v. Horton & an. (Stands over)  
\*Lord Lonsdaleborough v. Foster  
\*Corporation of the Royal Exchange Assurance v. Moore  
Stone v. Coote (Appeal from County Court)  
\*Berney & an. v. Bickmore  
†Compigné v. Compigné  
†Worthington v. Ludlow  
†Nicholson v. Potts  
†Mallard v. Peel, Bart.  
†Mallard v. Grey, Bart.  
†Pust v. Dowle

†Whitehead & an. v. Castine  
†Griffin v. Dighton & an.  
†Fowkes v. Manchester and London Life, &c. Association  
\*Anderson & an. v. Knocker  
\*Hodgkinson v. Ranoor  
\*Barrett v. Lamb  
\*Whitehead v. Henthorn  
†Gill & an. v. Simmers  
\*Workman v. Great Northern Railway Co.  
†Tontill & an. v. Douglass  
†Thomas v. Shirley  
Hunter v. Middlebrook (Appeal from County Court)  
†Walker v. Hutchinson  
\*Cator v. Lewisham Board of Works  
†Dunn v. Stebbart  
Williams v. Growcott (Appeal from County Court)  
†Clayton v. Best  
†Wilson v. Gabriel & an.  
†Green & an. v. Shafto  
†Taylor v. Shafto  
\*Spanton v. Hives  
\*Company of Proprietors of the Tamar Manure Navigation v. Wagstaffe  
†Capua v. Commissioners of the Exhibition of 1862  
†Beale v. London and South-western Railway Co.  
†Official Manager of the National Assurance & Investment Association v. Stoy  
†Jonanassohn v. Young  
†Walker v. Walker & an.

### ENLARGED RULES.

#### FOR JUDGMENT.

In re H. A. De Medina

#### FOR ARGUMENT.

##### First Day.

Betts v. Menzies (To come on)

for argument with the case in the New Trial Paper)  
Paterson v. Harris  
In re D. M'Alpin  
In re H. A. Allanson & an.  
Reg. v. Louis T. D. Byn-court.

### CROWN PAPER, EASTER TERM.

Tewkesbury .... Reg. v. Severn Navigation Commissioners (To stand over for the decision in the House of Lords).  
Surrey ..... Measor (Ditto).  
Southampton ... Commissioners acting in execution of the Acts 43 Geo. 3, c. 21, and 50 Geo. 3, c. 168.  
Surrey ..... Governors of the Poor of Sudbury, Suffolk.  
Metropolitan Police District... Norton v. Jones.  
Herts ..... Reg. v. Eastern Counties Railway Co.  
Middlesex ..... Churchwardens of St. Pancras.  
Cornwall ..... Kerkin v. Jenkins.  
Metropolitan Police District... Richens v. Wiggins.  
Leicestershire .. Reg. v. Inhabitants of Hickley.  
Staffordshire... Inhabitants of West Bromwich.  
Yorkshire ..... Overseers of Scriven with Teaster-gate.  
Northamptonsh. Evans v. Botterill.  
Pembrokeshire.. Reg. v. James.

Tynemouth .....	Stephens v. Le Pelley.
Lancashire .....	Reg. v. Inhabitants of Preston.
Durham .....	Stockton and Darlington Railway Co.
Middlesex .....	Sherborn v. Wells.
Gloucestershire ..	Wilkinson v. Dutton.
Somerset .....	Reg. v. Inhab. of Hendon, Middlesex.
Durham .....	Inhabitants of Barnard Castle.
Huntingdonshire ..	Local Board of Health, Godmanchester.
Gloucestershire ..	Inhabitants of Stapleton.
Metropolitan Police District ..	Metropolitan Board of Works and Head v. Williamson.
Poole .....	Churchwardens of St. James v. Balf.
Middlesex .....	Reg. v. Vestry of St. George, Hanover-square.
Dorset .....	White v. M'Hale.
Yorkshire .....	v. Wakefield Local Board of Health.
Worcestershire ..	Droitwich Union v. Worcester Union.
Middlesex .....	Wilson v. Stewart.
Norfolk .....	Fuller v. Newland.
Cardiff .....	British Electric Telegraph Co. v. Davies.
Carmarvon .....	Reg. v. Inhabitants of Llangan.
Huntingdonshire ..	Lord Sherrard & ors.
Worcestershire ..	West Midland Railway Co.
Yorkshire .....	Garbut v. Simpson.

### Court of Common Pleas.

#### NEW TRIALS.

Midd.—Robbins v. Jones ( <i>Per Cur.</i> to stand first in New Trial Paper, Easter Term)	Midd.—Hopkins v. Hitchcock
<i>Moved Mich. Term, 1862.</i>	— Cooper v. Bd. of Works in the Wandsworth District
Warwick—Loveday v. Moore	— Baker v. Sampson
Derby—Hancock v. Austin (Part heard Feb. 14)	Lond.—Pennell v. Lamb
Northampton—Markham v. Stanford	— Dresser v. Norwood
Worcester—Chillingworth v. Reid	— Whistler v. Forster
<i>Moved Hil. Term, 1863.</i>	— Gambart v. Ball
Midd.—Lee v. Jones	— Southampton Dock Co. v. Hill
	— Chapman v. Adams
	— Ellis v. Barrett
	— Turner v. Reynell.

### DEMURRER PAPER.

#### SPECIAL ARGUMENTS.

<i>Wednesday, April 22.</i>	Hodgson v. Little (Ap.)
Felkin v. Berridge (Ap.)	James v. Dickinson (Ap.)
Esdale v. Sotheby (Case from Nisi Prius)	Williams v. Wills (Ap.)
Schloss v. Harlot (D.)	Loving v. Limpany (Ap.)
Warmby v. Deakin (Ap.)	Manchester South Junction & Railway Co. v. Fullarton (Ap.)
North v. London and South-western Railway Co. (Case by order)	Mayhew v. Wardley (Ap.)
Ingelbach v. Nichols (D.)	Burnard v. Haggis (Ap.)
Constable v. Nicholson (D.)	<i>Monday, April 27.</i>
Metropolitan Railway Co. v. Turnham (Ap.)	Vyner v. Mersey Docks and Harbour Board (Sp. C.)
Naylor v. Mortimore (D., to be argued with Sp. C. when signed)	M'Intyre v. Belcher (D.)
Rogers v. Roberts (Case from Nisi Prius)	Oswald v. Kemp (Ap.)
	Chown v. Parrott & an. (D.)
	Atkinson v. London, Brighton, and South-coast Railway Co. (D.)

### ENLARGED RULES.

Marshall v. Ingram	In re Poole ex parte Howes
In re Dalton ex parte Ellison	Ilderton v. Castrique (Until case in Exchequer Chamber disposed of)
In re Corbett and Leonard ex parte Corbett	Sürman v. Gelpcke (Goachen & ors., garnishees).
In re White v. Steele & an.	
In re Nickoll ex parte Crisp	

### CUR. ADV. VULT.

Baxendale & an. v. Great Western Railway Co.	Blasco v. Fletcher
Ellis v. Mayor, &c. of Bridgnorth	Aldridge v. Great Western Railway Co. (Stand over till case disposed of in H. L.)

### Court of Exchequer.

#### SITTINGS—HILARY TERM.

Days in Term.	Banc.
Wednesday .. April 15	Motions and Peremptory Paper.
Thursday .....	16 Errors, Peremptory Paper, and Motions.
Friday .....	17 .....
Saturday .....	18 .....
Monday .....	20 Special Paper.
Tuesday .....	21 .....
Wednesday .....	22 Special Paper.
Thursday .....	23 .....
Friday .....	24 .....
Saturday .....	25 Criminal Appeals
Monday .....	26 Special Paper.
Tuesday .....	28 .....
Wednesday .....	29 .....
Thursday .....	30 .....
Friday .....	May 1 .....
Saturday .....	2 .....
Monday .....	4 Special Paper.
Tuesday .....	5 .....
Wednesday .....	6 .....
Thursday .....	7 .....
Friday .....	8 .....

#### Days in Term.

#### Nisi Prius.

Thursday ... April 16	Middlesex, first Sitting.
Monday .....	20 London, first Sitting.
Wednesday .....	22 Middlesex, second Sitting.
Monday .....	27 London, second Sitting.
Wednesday .....	29 Middlesex, third Sitting.

### NEW TRIALS.

<i>Moved Mich. Term, 1862.</i>	<i>Moved after the 4th day of Mich. Term, 1862.</i>
FOR JUDGEMENT.	Midd.—James v. Cripps.
Guildford—Hockley v. Husted	<i>Moved Hilary Term, 1863.</i>
Haverfordwest—Robertson v. Powell	Lond.—Woodley v. Coventry
Gloucester—Wright v. Izod	— Baxendale v. Smith
FOR ARGUMENT.	— Pillot v. Wilkinson
Warwick—Johnson v. Nixon	— Kühn v. Biaker Caarten
Lincoln—Cawdron v. Great Northern Railway Co.	— Lewis v. White
Derby—Painter v. Abel	— Smith v. Hudson
Chester—Walker v. Samuels	Liverp.—Tyson v. Crowther
Gloucester—Von Bracht v. Pole	Lond.—Denison v. Simpson
	<i>Moved after the 4th day of Hilary Term, 1863.</i>
	Lond.—Gibbon v. Budd.

### SPECIAL PAPER.

FOR JUDGEMENT.	Meason v. Henry (To stand over till appeal in Meason v. Finnigan disposed of)
Flight v. Reed	Hodgson v. Wood (Pt. hd., to stand over till Sp. C. settled, both to be argued together)
FOR ARGUMENT.	Lonsdale v. British and Irish Magnetic Telegraph Co. (Limited) (To stand over till after argument of Sp. C., Rait v. Union Bank of London (Part hd., to stand over till issues in fact tried)
Brewer v. Dimmack (Part heard, standing over for arrangement)	Waldron v. Wallinger (To stand over till after issues in fact tried)
London and North-western Railway Co. v. Great Western Railway Co. (Standing over for arrangement)	
The Anglo-Californian Gold-mining Co. v. Lewis (To stand over)	
Tresart v. Lawrence (To stand over till issues in fact tried)	

Wright v. Griffiths (To stand over till after decision of a similar case in Exchequer Chamber)  
 Bayley v. Griffiths (To stand over till decision of a similar case in Exchequer Chamber)  
 Oakeley v. Knight (Sp. C., pt. heard, order of Nial Prius)  
 Davis v. Griffiths  
 Day v. Bather (Appeal from County Court)

Fenwick v. Hedley (Pt. heard, to stand over till issues in fact tried)  
 Moulton v. Wilby (Ap. under the 20 & 21 Vict. c. 43)  
 Pritchard v. Hitchins  
 Flamank v. Secretary of State in Council  
 Senior v. Metropolitan Railway Co. (Sp. C., by order of Martin, B.)  
 Batterbury v. Vyse.

### PEREMPTORY PAPER.

*To be taken on the first Day of Term after the Motions and to be proceeded with the next Day, if necessary, before the Motions.*

Parker v. Frith  
 Thornton v. Wilkinson  
 Searson v. Barber  
 Hackett v. Webster

Dickenson v. Leavers  
 In re Brown  
 In re Gray and Backhouse.

### ERRORS AND APPEALS.

FOR JUDGMENT.  
 Beal v. South Devon Railway Co. (Ap.)  
 FOR ARGUMENT.  
 Robins v. Evans (E., pt. hd.)

Mayor and Aldermen of London v. Cox (E.)  
 North British Australasian Co. (Limited) v. Swan (E.).

COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen to be Commissioners to administer oaths in the High Court of Chancery:—In London—William Clarke, of No. 18, Kensington-park-gardens, Notting-hill, and No. 29, Coleman-street, in the city of London. In England—George Littlewood Cowley, of Nottingham.

THE ROAD MURDER.—In a previous number (ante, p. 75) we mentioned the prevalence of a rumour that the Road murder case was likely to be again brought forward. The following on this subject has recently appeared in some of the papers:—"Some weeks since a statement was very generally circulated that another judicial investigation of the murder at Road, in June, 1860, was about to be made. We are informed by a correspondent, who possesses special means of knowing, that the statement had some foundation in fact. The movement originated in a report that certain members of Mr. Kent's former household had at length revealed the secret connected with that memorable crime. This report reached an officer who had previously made an active investigation of the case, and he at once determined to test the truth of the statement, and, if possible, to proceed with the clue which might then be afforded. The result of these inquiries was, that the officer thought himself possessed of sufficient information to commence another investigation; but, when the proposition was submitted to the authorities, it was decided that the grounds on which it was based were insufficient to warrant any renewed effort, either publicly or privately, and consequently the proposed inquiry was abandoned."

JOHNSON, JOHN, South Shields, Durham, engineman, April 17, South Shields. Off. Ass. Wawn; Sol. Wheldon, South Shields.—Pet. f. March 24.  
 KING, JOHN, Cheam, Surrey, licensed victualler, April 14, Reigate. Off. Ass. Hart; Sol. Silvester, 18, Great Dover-street, Southwark.—Pet. f. March 20.  
 KITCHING, GEORGE, Wells, Somersetshire, farmer, April 17, Bristol. Off. Ass. Actrman; Sols. Bailey, Blackford; Henderson, Bristol.—Pet. f. March 31.  
 MORRITT, THOMAS, Epworth, Lincolnshire, innkeeper, April 15, Thorne. Off. Ass. Fox.—Adj. Jan. 19.  
 NEAVE, WILLIAM BAUTON, Beesthorpe, Norfolk, miller, April 15, Attleborough. Off. Ass. Franklin; Sol. Atkinson, Norwich.—Adj. March 12.  
 OWEN, THOMAS, Liverpool, licensed victualler, April 20, Liverpool. Off. Ass. Morgan; Sol. Thornely, Liverpool.—Pet. f. April 1.  
 POPE, CHARLES, Newport, Monmouthshire, wheelwright, April 22, Newport. Off. Ass. Roberts; Sol. Blakey, Newport.—Pet. f. March 27.  
 ROBERTS, EDWARD, Huddersfield, Yorkshire, commercial traveller, April 16, Huddersfield. Off. Ass. Jones; Sol. Craven, Huddersfield.—Pet. f. March 30.  
 ROBERTS, JOE, Burnham, Buckinghamshire, beer-house keeper, April 16, Windsor. Off. Ass. Darvill; Sol. Voules, Windsor.—Pet. f. March 31.  
 ROBINSON, DAVID, Birmingham, out of business, May 11, Birmingham. Off. Ass. Guest.—Pet. f. March 13.  
 ROSTRON, RICHARD, Bury, Lancashire, and ROOPER, MICHAEL, MASHALL, Manchester, merchants, April 23, Manchester. Off. Ass. Hernaman; Sols. Atkinson & Co., Manchester.—Pet. f. March 31.  
 SALMON, JAMES, New Headington, near Oxford, printer, April 15, Oxford. Off. Ass. Dudley; Sol. Thompson, Oxford.—Pet. f. Feb. 23.  
 SANDERS, WILLIAM SAMUEL, Basingstoke, Southampton, miller's assistant, April 11, Basingstoke. Off. Ass. Lamb; Sol. Chandler, Basingstoke.—Pet. f. March 31.  
 SCURA, JOHN, Worthington, Cumberland, saddler, April 20, Cockermouth. Off. Ass. Waugh; Sol. Ramsay, Cockermouth.—Pet. f. March 30.  
 SIDDALL, SAMUEL, Leeds, joiner, April 21, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. March 31.  
 SLOCOMBE, WILLIAM HENRY, Plymouth, Devonshire, shopkeeper, April 16, East Stonehouse. Off. Ass. Pearce; Sol. Peagam, Plymouth.—Pet. f. March 30.  
 SMITH, RICHARD, Old Weston, Huntingdonshire, pig dealer, April 14, Thrapston. Off. Ass. Archbould; Sol. Rogers, Bedford.—Pet. f. March 31.  
 SMITH, THOMAS, Manchester, plumber, April 24, Manchester. Off. Ass. Fraser; Sol. Storer, Manchester.—Pet. f. March 23.  
 THOMAS, DAVID, Liverpool, mate, April 24, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Dec. 19.  
 THOMPSON, THOMAS, Nottingham, painter, April 23, Nottingham. Off. Ass. Patchitt; Sols. Cowley & Co., Nottingham.—Pet. f. March 30.  
 UPTON, JOHN, Whitwick, Leicestershire, jobbing farm labourer, April 16, Ashby-de-la-Zouch. Off. Ass. Dewes; Sol. Cape, Leicester.—Pet. f. March 16.  
 WALKER, JOHN, York, farmer, April 16, Leeds. Off. Ass. Young; Sol. Harle, Leeds.—Pet. f. April 2.  
 WARD, SAMUEL, Nottingham, hosier, April 23, Nottingham. Off. Ass. Harris; Sols. Cowley & Co., Nottingham.—Pet. f. March 31.  
 WHITE, ANN, Ledbury, Herefordshire, beer-house keeper, April 22, Ledbury. Off. Ass. Moore; Sol. Wilson, Worcester.—Pet. f. March 20.  
 WINN, HENRY, Lincoln, furniture broker, April 14, Lincoln. Off. Ass. Appleby; Sols. Brown & Co., Lincoln.—Pet. f. March 31.  
 WOODCOCK, JOHN, Rotherham, Yorkshire, fishmonger, April 24, Rotherham. Off. Ass. Newman; Sols. Marsh & Co., Rotherham.—Pet. f. April 1.  
 WRIGHT, JAMES, Shrewsbury, Shropshire, draper, April 15, Birmingham. Off. Ass. Kinnear; Sols. Cooper & Co., Manchester; Hodgson & Co., Birmingham.—Pet. f. March 21.

### BANKRUPTCIES ANNULLED.

BAKER, WALTER HENRY, Mears, Somersetshire, in no business.  
 CHENE, GEORGE SCOTT, Shoemess, Kent, lieutenant in the Royal Artillery.  
 WADE, CHARLES, Clarence-place, Camberwell, linendraper.

TUESDAY, April 7.

### BANKRUPTS.

*To be heard in London.*

BENJAMIN, EDWARD, Bermondsey-street, Bermondsey, licensed victualler, April 21. Off. Ass. Cannan; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. March 30.  
 BURDEN, JAMES HENRY, Belvedere-road, Lambeth, tailor, April 21. Off. Ass. Edwards; Sols. Marshall & Co., 12, Hatten-garden.—Pet. f. April 1.  
 BUTLER, EDWARD HENRY, Deptford, Kent, rag merchant, April 21. Off. Ass. Cannan; Sol. Harrison, 61, Basinghall-street.—Pet. f. April 4.  
 DAVIS, THOMAS DEAN, King-street, Clerkenwell, lodging-house keeper, April 23. Off. Ass. Graham; Sol. Hare, 3, Old Jewry.—Pet. f. April 2.  
 GREEN, REBECCA, Titchfield, Hampshire, saddler, April 21. Off. Ass. Edwards; Sol. Lewis, 2, Raymond-buildings, Gray's-inn.—Pet. f. March 17.  
 HARDING, JAMES AUGUSTUS, Bryanstone-street, Portman-square, portrait painter, April 21. Off. Ass. Edwards; Sol. Aldridge, 46 Moorgate-street.—Pet. f. April 2.

**HOLDSTOCK, WILLIAM**, Stodmarsh, near Canterbury, Kent, farmer, April 21. *Off. Ass. Cannan; Sols. De Lasaux, Canterbury; Doyle, 2, Verulam-buildings, Gray's-inn.*—*Pet. f. April 2.*

**KERN, FRANCIS EDWIN**, Minerva-terrace, Lorrimer-road, Waltham, officer to the Sheriff of Surrey, April 21. *Off. Ass. Edwards; Sol. Binn, 1, Trinity-square, Borough.*—*Pet. f. April 1.*

**NICHOLS, JOHN**, Leman-street, Whitechapel, butcher, April 21. *Off. Ass. Edwards; Sol. Holt, Quality-court, Chancery-lane.*—*Pet. f. April 2.*

**SAMLER, RICHARD**, Brick-lane, Whitechapel, out of business, April 20. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. March 30.*

**SUMNERBY, JOHN**, Grange-road, Berrymead, butcher, April 21. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. April 2.*

**WEDDELL, WILLIAM HENRY**, Gerard-street, River-terrace, Islington, clerk in the Admiralty, Somerset House, April 21. *Off. Ass. Edwards; Sol. Hoare, 4, Essex-court, Temple.*—*Pet. f. April 2.*

**WHITE, JAMES HOLLY**, Highbury-vale, Islington, dairyman, April 21. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. April 2.*

**WOODHAMS, WILLIAM**, Harleford-terrace, Bridge-road, Camberwell, clerk in the Customs, April 20. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. April 2.*

*To be heard in the Country.*

**ABDALE, THOMAS**, Darlington, Durham, builder, April 17, Newcastle-upon-Tyne. *Off. Ass. Baker; Sol. Story, Newcastle-upon-Tyne.*—*Pet. f. April 1.*

**ALLEN, JOSEPH**, Nlogan, Cornwall, miner, April 18, Redruth. *Off. Ass. Peter; Sol. Stevenson.*—*Pet. f. April 2.*

**BLAKE, TAMMY**, Exmouth, innkeeper, April 17, Exeter. *Off. Ass. Daw; Sol. Flood, Exeter.*—*Pet. f. April 2.*

**BROWN, WILLIAM**, Saffron Walden, Essex, butcher, April 21, Saffron Walden. *Off. Ass. Collin; Sols. Probert & Co., Saffron Walden.*—*Pet. f. April 2.*

**BURNS, JAMES**, Mangotsfield, Gloucestershire, miller, May 1, Bristol. *Off. Ass. Harley; Sol. Dene.*—*Pet. f. April 2.*

**CARTER, GEORGE**, Gateshead, Durham, out of business, April 18, Gateshead. *Off. Ass. Ingledew; Sol. Joel, Newcastle-upon-Tyne.*—*Pet. f. April 2.*

**CHAFFER, WALTER**, Otley, Yorkshire, plasterer, April 18, Otley. *Off. Ass. Carr; Sol. Harle, Leeds.*—*Pet. f. April 1.*

**CHAPMAN, EDWARD**, Humberstone, Lincolnshire, out of business, April 22, Kingston-upon-Hull. *Off. Ass. Carrick; Sol. Mends, Hull.*—*Pet. f. April 1.*

**CLAYTON, HENRY**, Liverpool, beer-house keeper, April 20, Liverpool. *Off. Ass. Hime; Sol. Husband, Liverpool.*—*Pet. f. March 31.*

**CLAVICOATES, JOHN WILKS**, Horncastle, Lincolnshire, cordwainer, April 16, Horncastle. *Off. Ass. Clitherow; Sol. Adcock, Horncastle.*—*Pet. f. April 2.*

**COVERTON, HENRY**, Gloucester, commission agent, April 18, Gloucester. *Off. Ass. Wilton; Sol. Smallbridge, Gloucester.*—*Pet. f. April 2.*

**CUTTS, JOHN OLDALE**, Sheffield, electro silver-plate manufacturer, April 18, Sheffield. *Off. Ass. Young; Sols. Farnell, Sheffield.*—*Pet. f. April 1.*

**FROST, JOHN**, Tiverton, Devonshire, shopkeeper, April 13, Tiverton. *Off. Ass. Daw; Sol. Cockram, Tiverton.*—*Pet. f. March 30.*

**GIBBS, JONATHAN**, Coventry, Warwickshire, coach builder, April 18, Coventry. *Off. Ass. Kirby; Sol. Smallbone, Coventry.*—*Pet. f. April 1.*

**GRAHAM, JAMES**, Eden Town, near Carlisle, brewer's cooper, April 30, Carlisle. *Off. Ass. Halton; Sol. M'Alpin, Carlisle.*—*Pet. f. March 18.*

**HUGHES, JOHN**, Machynlleth, Montgomeryshire, draper, April 20, Liverpool. *Off. Ass. Turner; Sols. Evans & Co., Liverpool.*—*Pet. f. April 2.*

**KNOWLES, JOHN**, Manchester, boot dealer, April 27, Manchester. *Off. Ass. Hasneman; Sols. Makinson & Co., Manchester.*—*Pet. f. April 4.*

**LINDFIELD, ALBERT**, Dover, Kent, out of business, April 18, Dover. *Off. Ass. Jeffries; Sols. Marshall & Co., Hatton-garden.*—*Pet. f. March 18.*

**MOORE, CHARLES BROWN**, Bath, Somersetshire, provision merchant, April 20, Bath. *Off. Ass. Smith; Sol. Bartram, Bath.*—*Pet. f. April 4.*

**ROCKLIFF, STEPHEN**, Town Green, near Ormskirk, Lancashire, licensed victualler, April 14, Ormskirk. *Off. Ass. Welsby.*—*Adj. March 17.*

**ROCHELEY, JOHN**, Little Brighton, Lancashire, grocer, April 17, Liverpool. *Off. Ass. Hime; Sol. Husband, Liverpool.*—*Pet. f. March 27.*

**RUSCOM, EDWARD**, Stoke-upon-Trent, Staffordshire, potato dealer, April 27, Birmingham. *Off. Ass. Kinnear; Sol. Litchfield, Newcastle-under-Lyme; James & Co., Birmingham.*—*Pet. f. April 2.*

**SMITH, JOHN ROBERT**, West Hartlepool, Durham, painter, April 22, Hartlepool. *Off. Ass. Child.*—*Adj. Feb. 18.*

**SPRAWSON, EDWARD**, Birmingham, out of business, April 27. *Off. Ass. Kinnear; Sol. Parry, Birmingham.*—*Pet. f. April 4.*

**TILDESLEY, THOMAS**, Eccleshall, Staffordshire, farmer, April 24, Birmingham. *Off. Ass. Whitmore; Sols. Butterton, Eccleshall; Wright, Birmingham.*—*Pet. f. April 2.*

**VINCENT, WILLIAM**, Kingwinford, Staffordshire, coal dealer, April 20, Stourbridge. *Off. Ass. Harward; Sol. Kirby, Banbury.*—*Adj. March 17.*

**WILKINS, EPHRAIM**, Bristol, upholsterer, April 17, Bristol. *Off. Ass. Harley; Sol. Hill.*—*Pet. f. March 21.*

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## GAZETTES.—FRIDAY, April 10.

## BANKRUPTS.

*To be heard in London.*

ANDREWS, JAMES, Church-street, Stoke Newington, butcher, April 28. Off. Ass. Edwards; Sol. Munday, 6, Essex-street, Strand.—Pet. f. April 8.

BAKER, MERCHANT, Market-place, Holloway, crinoline maker, April 21. Off. Ass. Edwards; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. April 4.

CLANCY, PATRICK JAMES, Clarendon-square, Somers-town, gate porter at a workhouse, April 21. Off. Ass. Edwards; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. April 8.

COLLINS, JOHN, Regent's-row, Queen's-road, Dalston, sawyer, April 28. Off. Ass. Stansfeld; Sol. Juckes, 19, Basinghall-street.—Pet. f. April 8.

COURTIS, WILLIAM, Wellesley-street, Stepney, messenger in the London Docks, April 28. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 2.

DALE, HENRY, Holywell-street, Westminster, Queen's marshman, April 28. Off. Ass. Cannan; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. April 8.

DAY, WILLIAM, High-street, Shadwell, of no business, April 28. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 2.

ELLIS, GEORGE JARMAN, Bermondsey street, Southwark, licensed victualler, April 28. Off. Ass. Cannan; Sol. Chipperfield, 3, Trinity-street, Southwark.—Pet. f. April 8.

GARNER, GEORGE, Standing-lane, Gresham-street, and Bull and Mouth-street, St. Martin's-le-Grand, warehouseman, April 28. Off. Ass. Stansfeld; Sol. Atkinson, 5, Bow-street, Covent-garden.—Pet. f. April 8.

GARRATT, GEORGE FREDERICK, Amerham, Buckinghamshire, grocer, April 28. Off. Ass. Cannan; Sols. Chapman & Co., 24, Lincoln's-inn-fields.—Pet. f. April 8.

JARDINE, ARTHUR, Abingdon-terrace, Newland-street, Kensington, builder, April 28. Off. Ass. Edwards; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. April 2.

LASARUS, MORRIS, Drury-lane, butcher, April 28. Off. Ass. Stansfeld; Sol. Groat, 1, Scott's-yard, Busland.—Pet. f. April 8.

MAYCOCK, HIRAM GEORGE, Queen's-road, Baywater, bootmaker, April 28. Off. Ass. Stansfeld; Sol. Chidley, 25, Old Jewry.—Pet. f. April 8.

PAGDEN, JOHN, Redhill, near Reigate, Surrey, grocer, April 20. Off. Ass. Stansfeld; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. April 8.

PAGE, WALTER, Great Yarmouth, Norfolk, grocer, April 20. Off. Ass. Graham; Sols. Chamberlain, Great Yarmouth; Storey, 6, King's-road, Bedford-row.—Pet. f. April 8.

PARSONS, THOMAS, Well-street, Hackney, grocer, April 20. Off. Ass. Stansfeld; Sol. King, 23, College-hill.—Pet. f. April 8.

PHAROAH, JAMES EWOS, Caterington, Hampshire, dairyman, April 28. Off. Ass. Edwards; Sols. Cousins, Portsea; Sols. & Co., Aldermanbury.—Pet. f. April 8.

PRIME, EMANUEL THORWOOD, Mildmay-place, Back-road, Kingsland, baker, April 20. Off. Ass. Stansfeld; Sol. Cooke, 24, Bucklersbury.—Pet. f. April 9.

PRINGLE, ROBERT MICKHAEL, Southwood-terrace, Highgate, tailor, April 28. Off. Ass. Cannan; Sol. Hare, 8, Old Jewry.—Pet. f. April 8.

SLYPER, JOSEPH SOLOMON, Ockendon-road, Southgate-road, Islington, and Kirby-street, Hatton-garden, diamond merchant, April 28. Off. Ass. Edwards; Sols. Lewis & Co., 7, Wilmington-square.—Pet. f. April 8.

SPENCER, SAMUEL, Ventnor, Isle of Wight, livery-stable keeper, April 20. Off. Ass. Stansfeld; Sols. Bousfield, Ventnor; Simpson, 13, Wellington-street, London-bridge.—Pet. f. April 2.

TARR, HENRY, Driffeld-road, North Bow, attorney's clerk, April 28. Off. Ass. Edwards; Sol. Wingale, 2, St. Mildred's-court, Poultry.—Pet. f. March 4.

TRADER, WILLIAM, Upper Whitcross-street, boot manufacturer, April 20. Off. Ass. Stansfeld; Sol. Hall, 21, Coleman-street.—Pet. f. April 2.

TROUT, GEORGE, St. John's-road, Hoxton, out of business, April 20. Off. Ass. Stansfeld; Sols. Jay & Co., 14, Bucklersbury.—Pet. f. April 8.

VICKERY, JAMES, Nunhead-grove, Nunhead, Peckham, retailer of beer, April 21. Off. Ass. Cannan; Sol. Edwards, 18, Swinburn-lane.—Pet. f. April 4.

*To be heard in the Country.*

ARMITAGE, SARAH, widow, Bradford, Yorkshire, May 7, Bradford, Off. Ass. Robinson; Sol. Dawson, Bradford.—Pet. f. April 7.

BALL, SAMUEL, Birmingham, silver polisher, May 11, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. April 2.

BERRY, JOHN, Westboughton, Lancashire, carpenter, April 25, Bolton. Off. Ass. Holden; Sol. Darlington, Wigan.—Pet. f. April 1.

BROWN, THOMAS WASLEY, Cheltenham, Gloucestershire, plumber, April 24, Bristol. Off. Ass. Acraman; Sol. Atchley, Bristol.—Pet. f. April 8.

CAMBRAY, WILLIAM, Burford, Oxfordshire, labourer, April 28, Witney. Off. Ass. Bishop; Sol. Kilby, Chipping Norton.—Pet. f. April 4.

CAMBERGON, CHARLES, Hartlepool, Durham, boatbuilder, April 25, Hartlepool. Off. Ass. Child; Sol. Bell, West Hartlepool.—Pet. f. April 4.

CAMPBELL, CHARLES STUART, Reading, Berkshire, out of business, April 20, Farnham. Off. Ass. Hollett; Sol. Smith, Reading.—Pet. f. March 30.

CRAIG, ROBERT, Soscemba, Cheshire, hotel proprietor, April 27, Liverpool. Off. Ass. Morgan; Sols. Porthaw & Co., Liverpool.—Pet. f. April 8.

DAVIES, JOHN OWEN, Plymouth, Devonshire, coal merchant, April 22, Plymouth. Off. Ass. Hirtzel; Sols. Elworthy & Co., Plymouth.—Pet. f. April 8.

FOSTER, WILLIAM, Birmingham, brass-cock founder, May 11, Birmingham. Off. Ass. Guest; Sol. Taylor, Birmingham.—Pet. f. April 6.

FOWLER, JOHN HENRY, Brighton, assistant riding master, April 25, Brighton. Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. April 7.

FOY, ROBERT, Whitechurch, Hampshire, carpenter, April 27, Andover. Off. Ass. Footner; Sol. Hollis, Winchester.—Pet. f. April 8.

GLEDHILL, JOHN, Huddersfield, Yorkshire, woollen merchant, April 27, Leeds. Off. Ass. Carrick; Sols. Laycock & Co., Huddersfield; Bond & Co., Leeds.—Pet. f. March 31.

GREEN, GEORGE, Northampton, tin-plate worker, April 25, Northampton. Off. Ass. Dennis; Sols. Sheld & Co., Northampton.—Pet. f. March 17.

GREEN, JOROTAL, Wantage, Berkshire, carpenter, April 22, Wantage. Off. Ass. Jotcham; Sol. Cave, Newbury.—Pet. f. April 7.

GREEN, THOMAS, Portsea, Hampshire, engineer in the Royal Navy, April 24, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. April 6.

GREEN, WILLIAM, Charlton Musgrove, Somersetshire, bear-house keeper, April 23, Wincanton. Off. Ass. Messiter; Sol. Jilard, Wincanton.—Pet. f. April 8.

HANDLEY, BEAUMONT, Sedgebrooke, Lincolnshire, gardener, April 28, Grantham. Off. Ass. Winter; Sols. Wagstaffe, Grantham.—Pet. f. April 4.

HILL, GEORGE, Oldbury, Worcestershire, stocktaker, May 1, Birmingham. Off. Ass. Whitmore; Sol. Jackson, West Bromwich.—Pet. f. April 8.

JONES, THOMAS, Pennyboat, near Machynlleth, Merionethshire, farmer, April 27, Liverpool. Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. April 8.

KETLEY, WILLIAM, Stourbridge, Worcestershire, forgerman, April 27, Stourbridge. Off. Ass. Harward; Sol. Bedford, Stourbridge.—Pet. f. April 2.

NATHAN, HENRY YATES, Birmingham, Jeweller, April 27, Birmingham. Off. Ass. Kinnear; Sol. Suckling, Birmingham.—Pet. f. April 8.

PREYDELL, JOSIAH, Guestling, Sussex, carrier, April 22, Lewes. Off. Ass. Blaker; Sol. Goodman, Brighton.—Pet. f. March 28.

PORTER, GEORGE, Trevethin, Monmouthshire, pig dealer, April 27, Pontypool. Off. Ass. Edwards; Sol. Lloyd, Pontypool.—Pet. f. April 7.

SCANDRETT, WILLIAM LEONARD, Newport, Monmouthshire, butcher, April 22, Newport. Off. Ass. Roberts; Sol. Hall, Newport.—Pet. f. April 6.

SIMCOX, THOMAS, Willenhall, Staffordshire, builder, April 27, Birmingham. Off. Ass. Kinnear; Sol. Brevitt, Darlaston.—Pet. f. April 8.

SOUTHALL, SAMUEL, Birmingham, out of business, May 11, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. April 7.

STANESBY, THOMAS, Ilkerton, Derbyshire, April 21, Belper. Off. Ass. Ingie; Sol. Maples, Nottingham.—Pet. f. April 8.

SURCLIFFE, JOSEPH, Scarborough, Yorkshire, upholsterer, April 23, Leeds. Off. Ass. Young; Sols. Bond & Co., Leeds; Wilds & Co., 104, Ironmonger-lane.—Pet. f. March 27.

THEUTLE, THOMAS, Willerby, Yorkshire, farmer, April 29, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Pettingell, Hull.—Pet. f. April 8.

VICKERS, JOHN SMALLER, Beverley, Yorkshire, grocer, April 29, Kingston-upon-Hull. Off. Ass. Shepherd, Beverley.—Pet. f. April 4.

WARD, WILLIAM GIBB, Liverpool, attorney-at-law, May 15, Birkenhead. Off. Ass. Gills; Sol. Anderson, Liverpool.—Pet. f. April 1.

WATERHOUSE, RALPH BOLTON, Widnes, Lancashire, licensed victualler, April 23, Liverpool. Off. Ass. Morgan; Sols. Vicks & Co., Manchester.—Pet. f. March 30.

WHITE, JAMES, Sutton, near Ellesmere Port, Cheshire, labourer, April 15, Birkenhead. Off. Ass. Gills.—Adj. March 27.

WILKINSON, ROBERT, Warbeck, Lancashire, carrier, April 25, Post-ton. Off. Ass. Patteson; Sol. Brierley, Blackpool.—Pet. f. April 2.

## BANKRUPTCIES ANNULLED.

BOARDMAN, RICHARD, Liverpool, car proprietor.  
PACKER, BRUGHTON, Newland, Northamptonshire, wholesale shoe manufacturer.

## TUESDAY, April 14.

## BANKRUPTS.

*To be heard in London.*

BELL, FRANCIS, High-street, Southwark, milliner, April 28. Off. Ass. Edwards; Sol. Chidley, 25, Old Jewry.—Pet. f. April 8.

COOKE, MARK THOMAS, Clarksell-green, Jeweller, April 30. Off. Ass. Graham; Sol. Chidley, 25, Old Jewry.—Pet. f. April 8.

DONATO, ANDREW, Vivian-road, Victoria-park, out of business, April 23. Off. Ass. Cannan; Sol. Buchanan, 13, Basinghall-street.—Pet. f. April 11.

FLINT, CHARLES, Dalston-terrace, Dalston, out of business, April 28. Off. Ass. Stansfeld; Sols. Treherne & Co., 17, Gresham-street.—Pet. f. April 11.

GILBERT, THOMAS, Storrington, Sussex, maltster, April 28. Off. Ass. Cannan; Sols. Mason & Co., 7, Gresham-street.—Pet. f. April 8.

HADLEY, JOHN, Sittingbourne, Kent, coal merchant, April 28. Off. Ass. Cannan; Sols. Courtney & Co., 9, Gracechurch-street.—Pet. f. April 8.

[For continuation of Gazette, see p. 147.]

CONTENTS.

London Gazette.....	142
Leading Article.....	143
Court Papers:—Equity Cause Lists, Easter Term, 1863.....	145
Books Received.....	147

NAMES OF THE CASES REPORTED.

PRIVY COUNCIL.

By R. BULLOCK, Barrister at Law.

John Williams and Joseph Styles, Executors of John Jobbins, Deceased, Appa., James Byrnes and William Byrnes, Resps.—( <i>Statute of Frauds—Contract in writing—Lord Tenterden's Act, 9 Geo. 4, c. 14—Bargain and sale—Contracting parties—Names—Description</i> ) .....	363
--	-----

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Waugh v. Wren.—( <i>Principal and surety—Payment by surety—Deposit of title deeds—Equitable mortgage</i> ) .....	365
Gleaves v. Paine.—( <i>Married woman—Mortgage—Equity to a settlement—Surety for husband—Bankruptcy of husband</i> ) .....	366
Wetherell v. Wetherell.—( <i>Will—Construction—Bequest of income of residuum—Bequest of residuum absolutely—Remoteness—Great grandchildren</i> ) ..	368

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Webb v. De Beauvoisin.—( <i>Payment of debts—Specific fund—Exoneration of residuary estate</i> ) ....	369
Toker v. Toker.—( <i>Voluntary deed—Setting aside—Undue influence</i> ) .....	370

VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

Nickisson v. Cockill.—( <i>Will—Charge—Charitable legacy—Marshalling</i> ) .....	373
--	-----

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Patch v. Ward.—( <i>Mortgagor and mortgagees—Suit to open foreclosure decree without impeaching the whole—Demurrer allowed, with costs</i> ) .....	373
Kemp v. Burn and Another.—( <i>Residuary legatees—Duty of trustees and executors—Application for and refusal to render accounts—Costs</i> ) .....	375

VICE-CHANCELLOR WOOD'S COURT.

By H. B. INGH, Barrister at Law.

Hughes v. Young.—( <i>Marriage settlement—Covenant to settle wife's future property—Reversionary interest</i> ) .....	376
---	-----

EXCHEQUER CHAMBER.

By H. HOLROYD, Barrister at Law.

Bamford v. Turnley.—( <i>Nuisance—Burning bricks</i> ) ..	377
---	-----

COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

Trimmer v. Walsh and Another.—( <i>Tithe commutation—Apportionment—Hop-ground—"Extraordinary charge"—6 &amp; 7 Will. 4, c. 71, s. 42</i> ) .....	381
--	-----

COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Naef and Another v. Mutter.—( <i>Practice—"Residence, or supposed residence," of defendant—Proceeding when not known whether defendant was out of jurisdiction—Common-law Procedure Act, 1852, sects. 2, 17, 18—Evidence—Jurisdiction of courts</i> ) .....	384
---	-----

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Griffiths and Another v. Penson.—( <i>Falsa demonstratio—General and particular description</i> ) ...	385
---	-----

COURT OF PROBATE.

By DR. MIDDLETON.

In the Goods of Charlotte Hagger, Deceased.—( <i>Administration—Guardian of minors—Not next of kin</i> ) .....	386
In the Goods of E. S. G. Raffensel, Deceased.—( <i>Will—Domicil—Dying in itinere</i> ) .....	386

COURT OF FACULTIES.

By DR. MIDDLETON.

Graham and Others v. Smart and Others.—( <i>Faculty—Notaries public—3 &amp; 4 Will. 4, c. 70, s. 2</i> ) ....	387
---	-----

COURT OF ADMIRALTY.

By E. W. BROWNING, Barrister at Law.

The Chieftain.—( <i>Disbursements—Master's liability for necessaries and wages—Reduction of bail</i> ) ..	388
The Claus Thomesen.—( <i>Pleading—Particulars</i> ) ...	388

CROWN CASES RESERVED.

By G. FRANCIS, Barrister at Law.

Reg. v. R. J. Frankland.—( <i>Embezzlement—Evidence—Partners—Acting as registered joint-stock company—10 &amp; 20 Vict. c. 47—7 Geo. 4, c. 64, s. 14</i> ) ..	388
---	-----

THE JURIST.

LONDON, APRIL 18, 1863.

THE law respecting the liability of innkeepers for loss or injury to the goods of their guests will shortly be discussed in Parliament. Two separate bills are now before it—one, brought in by Mr. W. Martin, Mr. G. Duff, and Mr. Hunt, "to amend the law respecting the liability of innkeepers, and to prevent certain frauds upon them;" the other, brought in by Mr. Butt and Dr. Brady, "to define and limit the liability of innkeepers."

The law of England on this subject was in strong contrast to that of continental nations. The old story abroad is well known, that in some countries when an innkeeper offended by extortion, insolence, or otherwise, his ready answer to any complaint was, "Quere aliud hospitium;" well knowing, that in many cases this was imposing on the unfortunate traveller an impossibility; and, were it even otherwise, at least exposing him to similar wrong and insult in another place. Our common law laid the axe to the root of this evil, by de-

claring, that as inns are for the public good, and the necessities and convenience of travellers, an innkeeper shall not be permitted to select his guests, and must receive into his inn every person against whose admission no tangible objection (such as intoxication or the like) can be made, and who is willing to deposit a reasonable sum in advance as security for the expense of his entertainment. And should the innkeeper violate this, he is liable not only to an action at the suit of the injured party, but also to an indictment at the suit of the Crown.

The wisdom of this law, in a commercial country especially, is too obvious to need comment. An impudent attempt to limit its operation was, indeed, made in *Re v. Ivens* (7 Car. & P. 213), where an innkeeper sought to justify his refusing to receive a guest, on the ground that he was travelling at an hour of the night after the innkeeper's family had gone to bed; and also that he was travelling on a Sunday, and refused to tell his name and abode. These defences were all overruled by Coleridge, J., who tried the case, and, in answer to the first, said, "Why are inns established? For the reception of travellers, who are often very far distant

from their own homes. Now, at what time is it most essential that travellers should not be denied admission into the inns? I should say when they are benighted, and when, from any casualty, or from the badness of the roads, they arrive at an inn at a very late hour. Indeed, in former times, when the roads were much worse, and were much infested with robbers, a late hour of the night was the time, of all others, at which the traveller most required to be received into an inn."

The law on the subject of innkeepers has not always been perfectly understood. A notion grew up, which seems to have been founded on a dictum of Eyres, J., in *Newton v. Trigg* (1 Show. 269), whence it found its way into several books, e. g. Bac. Ab., "Inns and Innkeepers," D., 9; Wentworth's Pleader, &c., that the innkeeper, who undoubtedly has a lien for his reckoning on the goods of his guest, has also a lien on his person. This opinion seems to have prevailed, among the vulgar at least, until the case of *Sunbolf v. Alford* (3 M. & W. 248; 2 Jur., O. S., 110), decided 146 years after *Newton v. Trigg*. It would be difficult to answer the reasoning of the Court in the later case. "If," says Lord Abinger, "an innkeeper has a right to detain the person of his guest for the non-payment of his bill, he has a right to detain him until the bill is paid, which may be for life; so that this defence supposes, that, by the common law, a man who owes a small debt, for which he could not be imprisoned by legal process, may yet be detained by an innkeeper for life. The proposition is monstrous. Again: if he have any right to detain the person, surely he is a judge in his own cause; for he is then the party to determine whether the amount of his bill is reasonable, and he must detain him till the man brings an action against him for false imprisonment, and then, if it were determined that the charge was not reasonable, and it appeared that the party had made an offer of a reasonable sum, the detainer would be unlawful."

It is, however, worthy of observation, that the supposed right of an innkeeper to detain the person of his guest was not the actual point raised in *Sunbolf v. Alford*. That was an action against the defendant for assaulting and beating the plaintiff, stripping and pulling off his coat, and converting it to his own use; to which the defendant pleaded a justification, that he was an innkeeper and the plaintiff his guest, and on the latter refusing to pay his reckoning, the defendant stripped off his coat and detained it as a security or pledge for the same. The sufficiency of this answer was therefore the question: on which Parke, B., says, "There is, at all events, no power to do what this plea justifies—namely, to strip the guest of his clothes; for, if there be, then, if the innkeeper take the coat off his back, and that prove to be an insufficient pledge, he may go on and strip him naked; and that would apply either to a male or to a female. That is a consequence so utterly absurd, that it cannot be entertained for a moment." The observations of the Court in this case against the existence of a lien on the person, are, therefore, to a certain extent, extra-judicial, although we believe no lawyer at the present day would question their soundness.

An innkeeper is bound by law to take care of goods or money brought into his inn by a guest. Here the law is very strict against the innkeeper. If they are lost or injured he is *prima facie* liable, and it is no defence that they were stolen by his servants or others. The innkeeper may, however, exonerate himself by proof that the loss was occasioned by the misconduct or gross negligence of the guest, and, perhaps, even by want of reasonable care on his part. (See the note to *Calge's case*, in 1 Smith's L. C. 106, 5th ed.)

It is with the view of relieving innkeepers from a part of their liability in this respect that the bills in question have been introduced into Parliament. The recital of Bill, No. 1, is as follows:—"Whereas it has happened that from the great facility given to travelling by railways and otherwise the quantity and value of the goods and property brought by travellers to inns is so much increased that the old common-law rule, which renders innkeepers responsible for the goods of their guests which may be stolen or lost, has rendered the trade of an innkeeper extremely hazardous and dangerous: and whereas it is but fair and reasonable that a remedy should be provided in this behalf;" while that of Bill, No. 2, is, "Whereas innkeepers are by the law of England bound to keep safely in their inns the goods which persons may bring with and have with them while stopping as guests in such inn, and are liable for any loss incurred by their failure in fulfilling such obligation; and whereas innkeepers under such law incur in the case of every guest an unknown and indefinite liability, and are often made liable for great and unreasonable amounts, and that even in cases in which they are not chargeable with any want of proper and reasonable care, and are also subject to frauds practised on them in relation to alleged losses of goods by persons stopping in their inns, and it is expedient to provide a remedy for the same."

Bill, No. 1, then proposes to enact by sect. 1, "No innkeeper shall hereafter be holden to be responsible for goods or property of his guests where the value thereof exceeds 20*l.*, except for such as may be deposited with such innkeeper expressly for safe custody; and where such goods or property shall be so deposited for safe custody, it shall be lawful for such innkeeper to require that each article thereof shall be exhibited to him, and its value declared to him." And by sect. 2, "Where goods or property are so deposited with and exhibited to an innkeeper, and the same are afterwards stolen or lost, such innkeeper shall not be concluded by the price or value set thereon by the guest, as is aforesaid, but it shall be incumbent on the guest to prove the actual value of the same."

We next proceed to Bill, No. 2. It proposes to enact by sect. 1, "In any action hereafter to be brought against any innkeeper for any loss occasioned by his failure to fulfil his obligation as such innkeeper to keep safely the goods of any guest, no greater damages shall be recovered than 20*l.*, unless it shall be averred in the pleadings, and expressly proved on any trial of such action, that such loss was occasioned by the wilful default or misconduct of the innkeeper or his servants, or by the want on his part of reasonable care." By sect. 2, "No innkeeper shall hereafter be deemed liable for the safe keeping of any of the following goods, by reason of the same being brought by a guest into his inn; that is to say, any gold or silver coin of the realm or of any foreign country, or any precious metals, or any bank notes or other securities for money, to any greater extent in the whole than 50*l.*, nor for any ornaments, jewellery, or other valuable articles to any greater extent than 50*l.*, nor for any goods of any nature or kind whatsoever which:

such guest shall carry with him otherwise than in the way of his trade, unless in each and every case such innkeeper shall be apprised of the possession of such articles by his guest, and shall agree to be responsible for the safe keeping of the same, in which case he shall be liable as if this act had not been passed. And by sect. 3, "Nothing in this act contained shall alter or affect the liability of an innkeeper further or otherwise than is herein expressly declared, nor shall it in any matter alter or affect the liability of any innkeeper upon any contract relating to the safe keeping of any goods, nor shall it in any manner protect any innkeeper in any case in which he may be liable, independently of his common-law liability to keep safely the goods of his guests."

It will be remarked that these bills differ in this, among other respects, that Bill, No. 2, assumes the common law to have been wrong ab initio, while Bill, No. 1, proceeds on the ground that the common law, though probably a just one originally, requires modification in consequence of "the great facility given to travelling" in modern times. We will not stop to dispute this latter proposition, although possibly that facility might be found a reason for holding the innkeeper even more tightly than before: but any attack on the principle of the common law, which places innkeepers under these peculiar responsibilities we look on as very mischievous and short-sighted, for the reasons stated at the beginning of the present article; and we commend the following passage to all concerned in the question:—"Rigorous as this law may seem," observes Sir W. Jones (Bailments, 96-97), "and hard as it may actually be in one or two particular instances, it is founded on the great principle of public utility, to which all private considerations ought to yield; for travellers, who must be numerous in a rich and commercial country, are obliged to rely almost implicitly on the good faith of innholders, whose education and morals are usually none of the best, and who might have frequent opportunities of associating with ruffians or pilferers, while the injured guest could seldom or never obtain legal proof of such combinations, or even of their negligence, if no actual fraud had been committed by them."

### Court Papers.

#### EQUITY CAUSE LISTS, EASTER TERM, 1863.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. C.* Further Consideration—*F. D.* Further Directions—*M.* Motion—*M. D.* Motion for Decree—*P. C.* Pro Confesso—*Pl.* Plea—*Pta.* Petition—*R.* Rehearing—*Sp. C.* Special Case—*S. O.* Stand Over—*St.* Short.

Before the LORD CHANCELLOR and the LORDS JUSTICES.

#### APPEALS.

Edwards v. Williams (W., March 3)	Graham v. Wickham (R., March 9)
Cranwick v. Pearson	Silvester v. Silvester (S., March 18)
Pearson v. Cranwick	Selby v. Bowie (S., March 27)
	Swairston v. Clay (S., March 27)
	Rolfe v. Perry (M D) L. C.

Before the Right Hon. the MASTER OF THE ROLLS.

#### CAUSES, &c.

Ford v. Tennant (D)	Countess of Oxford v. Chichester (E to answer)
Raikes v. Raikes (D)	

Leigh v. Birch (E to answer)	Goring v. Baron Vivian (M D)
Sellar v. Griffin (M D)	Ingram v. Brown (M D)
Bainbridge v. Kinnaird (M D)	Pocklington v. Pocklington
Jacomb v. Knight (M D)	In re Pocklington
Felthouse v. Peacock (M D)	Pocklington v. Pocklington
Willis v. Kymer (F C)	
Cudron v. Cudron (F C)	
Carter v. Arden (F C)	Att.-Gen. v. Portreave, &c. of Avon (Cause)
Young v. Nell (M D)	Vaudrey v. Galbraith (M D)
Sheld v. Taylor (M D)	Butterworth v. Eaves (M D)
Larkins v. Watson (F C)	Cochin v. Hewson (F C)
Higgs v. Ramage (M D)	De Garagnol v. Liardet (Sp C)
Beaumont v. Carter (M D)	Allison v. Allison (F C)
Whale v. Griffiths (M D)	Matthews v. Little (M D)
Carter v. Beaumont (M D)	Allison v. Allison (M D)
Bury v. Bedford (M D)	Prytherch v. Prytherch (M D)
Lilly v. Lowe (M D)	Lance v. Aglionby (F C)
Smith v. Best (M D)	Lance v. Elyard
Wells v. Maxwell (M D)	Cotton v. Company and Proprietors of the Birmingham Canal Navigation (M D)
Gould v. Gould (M D)	In re Elsworth (F C, adj. Wright v. Elsworth from chambers)
Coventry v. Barclay (M D)	Bull v. Hatchens (M D)
Ingram v. Ingram (M D)	Cottrell v. Pring (M D)
Earnshaw v. Bradbury (M D)	Hornby v. Lelng (M D)
Jones v. Thomas (M D)	Reay v. Rawlinson (M D)
Lechmere, Bart., v. Brotheridge (M D)	Davenport v. Adams (M D)
Bagot v. Bagot (M D)	Nicholetts v. Ewens (M D)
Smith v. Baynes (M D)	Turner v. Turner (Cause)
Cowen v. Phillips (M D)	Walker v. Lawrence (F C)
Ingram v. Ingram (M D)	Walker v. Etherington (C)
Spittle v. Hughes (M D)	Greenhill v. Smith (M D)
Mortimer v. Pleton (M D)	Harrop v. Holt (F C)
Davis v. Turvey (M D)	Farleton v. Birks (M D)
Fairhead v. Southes (M D)	D'Eyncourt v. Lord Downe (M D)
Att.-Gen. v. Clifton (M D)	Phillipson v. Kerry (M D)
Dowling v. Caldecot (Cause)	Simpson v. Walsley (Cause)
Chatfield v. Lord Tredegar (M D)	Shadwell v. Kinnear (M D)
Lillie v. Kingdom (M D)	Lloyd v. Pearson (M D)
Hayley v. Lamb (M D)	Jones v. Peberdy (M D)
Wither v. Hodges (M D)	Stocks v. Hammond (M D)
Ward v. Ghrimes (M D)	Smith v. Beckett (F C)
Selby v. Wallace (F C)	Suffield v. Brown (M D)
Broadhurst v. Crosland (M D)	Coventry v. Coventry (Cause)
Idle v. Howell (M D)	Tidman v. Trego (M D)
Thompson v. Tempest (M D)	Cood v. Cood (M D)
Att.-Gen. v. Johnson (M D)	Holmes v. Merrill (M D)
Harvey v. Harvey (Cause)	Joynson v. Townsend (F C)
Lucas v. King (F C)	Buck v. Boskeas (M D)
Flint v. Hunt (F C)	Pineau v. Sir William Marriott, Bart. (M D)
Larkins v. Hunt (F C)	Lewis v. Evans (F C)
Wright v. Sparks (F C)	Smith v. Smith (M D)
Legge v. Legge (M D)	Vigor v. Salmon (M D)
Shaw v. Shaw (M D)	Slaughter v. Collins (F C)
Proctor v. Slight (F C)	Denston v. Denston (Cause)
Rede v. Oakes (M D)	Pack v. Anson (F C)
Mawhood v. Simpson (M D)	Morgan v. Beacham (F C)
Wallis v. Barker (M D)	Mykes v. Minton (M D)
Harrison v. Been (F C)	Wallace v. Auldjo (M D)
Domville v. Taylor (Sp C)	Thomas v. Cross (M D)
Overton v. Crittall (F C)	Bodger v. Bodger (Cause)
Beamish v. Millington (M D)	
Tann v. Tann (Sp C)	
Leighton v. St. Leger (Cause)	
White v. Steward (F C)	
May v. May (M D)	

Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.

#### CAUSES, &c.

Howard v. Chaffers (F C)	Schnieder v. Shrubsole (M D)
Howard v. Robinson (pt. hd.)	Gorton v. Hooper (M D)
Salisbury v. Ridley (M D)	Williams v. Williams (M D)
Hakewill v. White (F C)	Gossip v. Wright (Cause)
Earl of Portarlington v. Damer (F C)	Welsh v. Welsh (Cause)
Woodhatch v. Freeland (M D)	Welsh v. Welsh (Cause)
Penfold v. Kelly (M D)	Wallace v. Auldjo (M D)
Shrubsole v. Schnieder (M D)	Thomas v. Cross (M D)
	Bodger v. Bodger (Cause)

Thompson v. Thompson (M D)  
 Harrow v. Whip (M D)  
 Davies v. Nixon (M D)  
 Hurrell v. Honey (M D)  
 In re Snaith } (F C)  
 Snaith v. Snaith }  
 Lambe v. Orton } Re-hear-  
 Lambe v. Orton } ing)  
 Lambe v. Tibblitts }  
 Buckeridge v. Whalley (F C)

Carroll v. Graham (M D)  
 Jenner v. Sir J. Morris, Bart.,  
 (F C)  
 Wright v. Wilkin (Cause)  
 Milnes v. Asted and 2 other  
 causes (F C)  
 Cox v. Stephens (Cause)  
 Franklin v. Osmodd (F C)  
 Corrie v. Wynne (F C)  
 Harley v. Lewis (Cause).

Gough v. Prior (M D)  
 Wilson v. Harrison (M D)  
 Buchanan v. Harrison (F C)  
 Cory v. Thames Iron-work  
 Ship-building Co. (Limited)  
 (M D)  
 Blakesley v. Blakesley (F C,  
 Ptn)  
 Park v. Hind (E to answer)  
 London, Brighton, and South  
 Coast Railway Co. v. Mid  
 Kent Railway Co. (D)  
 London, Brighton, and South  
 Coast Railway Co. v. Mid  
 Kent Railway Co. (D)  
 Parsons v. North (M D)  
 Crooke v. European & American  
 Steam Shipping Co.  
 (Limited) (Cause)  
 Oakford v. European & American  
 Steam Shipping Co.  
 (Limited) (Cause)  
 Knox v. Gye (M D)  
 Tompsett v. Harmer (F C)  
 Wickham v. Harding (Cause)

Gurney v. Gurney (Cause)  
 Boucicault v. Delafield (Cau.)  
 In re Bullock } (F C)  
 Banks v. Buckley }  
 Westbury v. Clapp } (M D)  
 Gale v. Clapp }  
 Shropshire Union Railway &  
 Canal Co. v. London and  
 North-western Railway Co.  
 (M D)  
 Churchill v. Sewell (F C)  
 Lascaridi v. Gurney (Cause)  
 Tong v. Rawsthorne (M D)  
 Smith v. Leveaux (Cause)  
 Lawrence v. Lear (Cause)  
 Vokins v. Gray (F C)  
 Gay v. Lovell (F C)  
 Meredith v. Palfrey (F C)  
 Morton v. Hall (M D)  
 Michell v. Rogers (M D)  
 Turner v. Taylor (F C)  
 Paget v. Huish (Sp C)  
 Davies v. Edwards (Cause)  
 Farrer v. Mould (M D)  
 Waterhouse v. Wilkinson (F  
 C)

*Before the Vice-Chancellor Sir JOHN STUART.*

CAUSES, &c.

Collinson v. White (M D)  
 Selby v. Whittaker (M D)  
 Pratt v. Waring (Cause)  
 Furber v. Meakin (F C)  
 Roberts v. Jones (M D)  
 Foster v. Davis (M D)  
 Metters v. Brown (Cause)  
 Thornton v. Ramsden, Bart.  
 (M D)  
 Mitchell v. Wyndham (M D)  
 Howkins v. Bennet (Cause)  
 Charlton v. Coombes (M D)  
 Norris v. Jackson (Cause)  
 Locking v. Power (M D)  
 Colls v. Robins (F C)  
 Williams v. Rowlands (Fur-  
 ther hearing)  
 Newby v. Newby (Cause)  
 Dodd v. Holbrook and 2 other  
 causes (E to Master's rep.)  
 Saunders v. Robinson (Cause)  
 Franklyn v. Franklyn (F C)  
 Soper v. Smith (M D)  
 Crump v. Cann, (Cause)  
 Whitfield v. Lamb (M D)  
 Matthews v. Humphries (M  
 D)  
 Scott v. Evers (M D)  
 Cox v. Reid (Cause)  
 Ferneley v. Hartley (M D)  
 Jelf v. Cust (Cause)  
 Champ v. Armstrong (M D)  
 Sant v. Fitch (M D)  
 Campbell v. Campbell (M D)  
 Wilkins v. Jodrell (M D)  
 Dodd v. Bates (M D)  
 Long v. Walker (M D)  
 Smooty v. Rumball (M D)  
 Atkinson v. Atkinson (M D)  
 Howard v. Pearson (F C,  
 Summons)  
 Croft v. Graham (Cause)  
 Bevan v. Att.-Gen. (F C, Sum.)  
 Vallance v. Vallance (M D)  
 Neale v. Barning (Cause)  
 Turner v. Johnson (Cause)  
 Way v. Way (M D)  
 Liscombe v. Emmett (Cause)  
 Sir F. Currie, Bart., v. Lar-  
 kins (M D)  
 Smales v. Barrick (M D)  
 Wilkins v. Sibley (M D)  
 Smith v. Oxley (Cause)  
 Symons v. Marine Society  
 (F C)  
 Story v. Story (F C)  
 Price v. M'Beth (Cause)  
 Davis v. Davis (M D)  
 Cottrell v. Cottrell (M D)

King v. Chaplin (Cause)  
 Tarbottow v. Earle (F C)  
 Edwards v. Dewey (Cause)  
 Rowlett v. Easton (F C)  
 Pettifer v. Gery (M D)  
 French v. Sandilands (M D)  
 Whitehead v. French (M D)  
 Fox v. Earl Amherst and 9  
 other causes (F C, Sums.)  
 Pelly v. Bascombe (Cause)  
 Greenhill v. Smart (Cause)  
 Lucas v. Pottit (Cause)  
 Cooper v. Gostling (Cause)  
 Hamilton v. Board (M D)  
 Attack v. Saffery (M D)  
 Birchley v. Meazie (M D)  
 Charrington v. Elderton (M  
 D)  
 Day v. Shield (Cause)  
 Gerrard v. Dawes (F C)  
 Hague v. Bromley (M D)  
 Matson v. Dennis } (F C)  
 Matson v. Dennis }  
 Ullathorne v. Aldin (M D)  
 In re Dawes } (F C, from  
 Dryden v. Dawes } chambers)  
 Brown v. Birchnell (M D)  
 Hazlerigg v. Robson } (F C)  
 Hazlerigg v. Robson }  
 Curlewis v. Waller (Cause set  
 down by defendant)  
 Hutton v. Beeton (M D)  
 Snowden v. Metropolitan  
 Railway Co. (Cause)  
 Avery v. Sutcliffe (F C)  
 Ross v. Crystal Palace and  
 South London Junction  
 Railway Co. (M D)  
 Sells v. Hoskins (Cause)  
 Becke v. Simpson (F C)  
 Bailey v. Skipp (M D)  
 Brandt v. Ashworth (M D)  
 In re Ude } (F C, from  
 Boys v. Boys } chambers)  
 Boulton v. Sankey (M D)  
 Oxenden v. Oxenden (M D)  
 Harris v. Pettit (F C)  
 Hooper v. Surrage (M D)  
 Morris v. Mander (M D)  
 White v. White (Cause)  
 Wroe v. Seed (F C)  
 Gould v. Domett (M D)  
 Lewis v. Hughes (M D)  
 Lucas v. Williams (F C)  
 Slee v. Mayor, &c. of Bradford  
 (M D)  
 Bamford v. Barkworth (F C)  
 Brown v. Weller (M D).

Leather Cloth Co. (Limited)  
 v. American Leather Cloth  
 Co. (Limited) (M D)  
 Weeks v. Cowel (M D) April  
 18  
 Robson v. Leatham (M D)  
 Busfield v. Shiers (Cause)  
 Pontifex v. Marks (M D)  
 Spaight v. Rymer } (F C,  
 In re Jepson } Ptn)  
 Lee v. Lee (M D)  
 Davies v. Huguenin (M D)  
 Buckley v. West (Sp C)  
 Perez v. Pinto (Cause, P C)  
 Street v. Street (F C)  
 Harries v. Harries (M D)  
 Williams v. Jones (F C, Ptn)  
 Janson v. Rider (M D)  
 Hodgson v. Earl of Bective  
 (M D)  
 Marriott v. Marriott (Cause)  
 Kidwelly and Llanelly Canal  
 and Tramroad Co. v. Mason  
 (M D) April 16  
 Latham v. Roby (F C)  
 Foster v. Gladstone (M D)  
 Cawley v. Poole (Cause)  
 Lee v. Taylor (F C)  
 Chapman v. Harris (Sp C)  
 Putlock v. King (Sp C)  
 Maugham v. Ridley (M D)  
 Guy v. Taylor (F C)  
 Davenport v. Jepson (M D,  
 part heard)  
 Ford v. Tynte (M D)  
 Hall v. Deal Pier Co. (M D)  
 Robinson v. Godlee (M D)  
 Keeling v. Keeling (Cause)  
 Calvert v. Armitage (M D)  
 Gimber v. Coleman (M D)  
 Crickmore v. Crickmore (F C)  
 Stephens v. Thomas (M D)  
 Foster v. Harvey (M D)  
 Baker v. Donovan (M D)  
 Moore v. Wright (F C)  
 Perrott v. Hamilton (M D)  
 Smith v. Lancaster (F C)  
 Van Dieman's Land Co. v.  
 Gibson (Cause)  
 Hinings v. Hinings (F C)  
 Dilley v. Matthews (M D)  
 Thomas v. Wedderburne (M  
 D)

Spiers v. Fisher (M D)  
 Adams v. Jordan (F C)  
 Wotherspoon v. Lamberton  
 (M D)  
 Brooke v. Roberts (M D)  
 Frampton v. Webb (M D)  
 In re Brooks } (F C)  
 Brooks v. Brooks }  
 Pryor v. Pryor (F C)  
 Davis v. Davis (F C)  
 Sir Henry Meux, Bart., v.  
 Watling (F C)  
 Beavill v. Sheehy (M D)  
 Wilde v. Stacy (M D)  
 King v. Bellord (M D)  
 Williams v. Chapman (F C)  
 Maunsell v. Midland Great  
 Western Railway of Ire-  
 land Co. (M D)  
 Hilton v. Whalley (M D)  
 Kent v. Dowding (Sp C)  
 Simpson v. South Yorkshire  
 Railway and River Dun Co.  
 (M D)  
 Morgan v. Myers (M D)  
 Dorling v. Claydon (F C)  
 Hoare v. Hoare (Cause)  
 Smith v. Pybus (F C)  
 Drake v. Row (F C)  
 Hepworth v. Prior (M D)  
 Gordon v. Gordon (M D)  
 Beckley v. Bradford (F C)  
 Williams v. Crossley (F C)  
 Molyneux v. Robinson (F C)  
 Bird v. Powell (F C)  
 Craig v. Wallington (Cause)  
 Dickinson v. Bartholomew  
 (Cause)  
 Davenport v. Jepson (New  
 trial by Jury) April 20  
 Neve v. Pennell (M D)  
 Maturin v. Tredinnick (Cau.)  
 Whitmore v. Severn Valley  
 Railway Co. (M D)  
 Drew v. Martin (M D)  
 Vicomte de Brimont Brasac  
 v. Martyn (M D)  
 Dendy v. Cary (M D)  
 Hardman v. Fishwick (M D)  
 Cowell v. Weeks (Cause)  
 Cave v. Cave (F C)  
 Doyle v. Townsend (M D).

*Before the Vice-Chancellor Sir W. P. WOOD.*

CAUSES, &c.

Bishop of Exeter v. Shutte  
 (M D, part heard)

Godfrey v. Godfrey (D)  
 Mulleneux v. Ellison (Sp C)

BOOKS RECEIVED.

Correspondence on the Present Relations between Great Britain and the United States of America.—Boston: Little, Brown, & Co. 1862.

The Common-law Procedure Acts, and other Statutes relating to the Practice of the Superior Courts of Common Law, and the Rules of Court; with Notes. By John C. F. S. Day, Esq., Barrister-at-Law. Second Edition.—H. Sweet. 1863.

A Supplement to the Seventh Edition of Stone's Practice of Petty Sessions. By Lewis W. Cave, Esq., of the Inner Temple, Barrister-at-Law.—V. & R. Stevens, Sons, & Haynes; H. Sweet; and W. Maxwell. 1863.

HALL, GEORGE LOWTHIAN, Argyl-road, Kensington, artist, April 28. *Off. Ass. Cannan; Sols. Laurence & Co., 14, Old Jewry-chambers.—Pet. f. April 10.*

HANSON, ANGELA, Hastings, Sussex, lodging-house keeper, April 30. *Off. Ass. Graham; Sols. Savery, St. Leonards-on-Sea; Rees & Co., 10, St. Swithin's-lane.—Pet. f. April 9.*

HARVEY, HENRY, St. Mary's-square, Kennington-road, out of business, April 28. *Off. Ass. Stanfield; Sols. Aldridge, 46, Moorgate-street.—Pet. f. April 9.*

HILL, JOHN HENRY, Rodney-street, Pentonville, traveller on commission, April 30. *Off. Ass. Graham; Sols. Lewis & Co., 7, Wilmington-square.—Pet. f. April 8.*

HUVELL, JOYCE ANNIE, and BOSEQUET, ANGELINA EMMA MARGARET, Regent-street, St. James's, ladies' outfitters, April 30. *Off. Ass. Graham; Sols. Atkinson, 5, Bow-street, Covent-garden.—Pet. f. April 4.*

KISLEY, GEORGE, Union-terrace, Camden-town, commercial traveller, April 30. *Off. Ass. Graham; Sols. Massey, 8, Old Jewry.—Pet. f. April 11.*

PAITON, GEORGE, Barming, near Maidstone, Kent, farmer, April 28. *Off. Ass. Edwards; Sols. Monckton & Co., 1, Raymond-buildings, Gray's-inn.—Pet. f. April 9.*

PATON, JOHN, Grove-place, Fulham, carpenter, April 27. *Off. Ass. Graham; Sols. Hill, 10, Basinghall-street.—Pet. f. April 10.*

PITON, THOMAS BENNETT, Northiam, Sussex, farmer, April 28. *Off. Ass. Edwards; Sols. Butler, Rye; Lovell & Co., Gray's-inn.—Pet. f. April 9.*

READER, JOHN, Eden-terrace, Battersea, commission agent, April 28. *Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. April 9.*

ROBERTS, JOHN, Billingsgate Market, fishmonger, April 27. *Off. Ass. Graham; Sols. Hare, 8, Old Jewry.—Pet. f. April 8.*

SPICKS, JOHN, John-street, Hercules-buildings, Lambeth, commercial traveller, April 27. *Off. Ass. Graham; Sols. Aldridge, 46, Moorgate-street.—Pet. f. April 8.*

VENNER, THOMAS, Cotton-row, Marlborough-road, Dalston, grocer, April 27. *Off. Ass. Stanfield; Sols. Fomcione, 5, Raymond-buildings, Gray's-inn.—Pet. f. April 13.*

WARD, JOHN, St. George's-street, St. George's-in-the-East, licensed victualler, April 28. *Off. Ass. Cannan; Sols. Jukes, 10, Basinghall-street.—Pet. f. April 8.*

WEEKER, JOSEPH, Horton-terrace, Holland-street, Kensington, plasterer, April 28. *Off. Ass. Edwards; Sols. Smith, 90, Denbigh-street, Belgrave-road, Finsbury.—Pet. f. April 9.*

WILLIAMS, EVAN, Sussex-street, Battersea-park, engine fitter, April 27. *Off. Ass. Stanfield; Sols. Wetherfield, 35, Moorgate-street.—Pet. f. April 11.*

WINGFIELD, JACOB, Church-place, Paddington-green, labourer, April 27. *Off. Ass. Graham; Sols. Peverley, 19, Coleman-street.—Pet. f. April 8.*

To be heard in the Country.

ARNITWANE, GEORGE GREGORY, Luton, Bedfordshire, out of business, April 25, Luton. *Off. Ass. Austin; Sols. Shepherd, Luton.—Pet. f. April 10.*

BAILEY, GEORGE, Everton, near Liverpool, bookkeeper, April 24, Liverpool. *Off. Ass. Hime; Sols. Morris, Liverpool.—Pet. f. April 9.*

BAIRD, GEORGE, Stoke-upon-Trent, Staffordshire, potter, April 25, Stoke-upon-Trent. *Off. Ass. Keary; Sols. Tomkinson, Burslem.—Pet. f. April 8.*

BAIRN, JOHN, Sunderland, Durham, merchant tailor, April 28, Sunderland. *Off. Ass. Marshall; Sols. Graham, Sunderland.—Pet. f. April 7.*

BUTLER, JOHN, Darlaston, Staffordshire, grocer, April 27, Birmingham. *Off. Ass. Kinnear; Sols. Slater, Darlaston; James & Co., Birmingham.—Pet. f. April 11.*

CALLAWAY, WILLIAM, Exeter, plumber, April 27, Exeter. *Off. Ass. Daw; Sols. Flood, Exeter.—Pet. f. April 13.*

CHARLESWORTH, PETER, Hanley, Staffordshire, coal dealer, May 2, Hanley. *Off. Ass. Challiner; Sols. Sutton, Burslem.—Pet. f. April 11.*

COLEMAN, THOMAS, New Shoreham, Sussex, market gardener, April 20, Brighton. *Off. Ass. Evershed; Sols. Goodman, Brighton.—Pet. f. April 10.*

COWDALL, WILLIAM, Liverpool, woollen draper, April 27, Liverpool. *Off. Ass. Turner; Sols. Cotton, Liverpool.—Pet. f. April 11.*

DRIFFIELD, CHARLES, Looe, near Birmingham, commission agent, April 24, Birmingham. *Off. Ass. Whitmore; Sols. Parry, Birmingham.—Pet. f. April 9.*

DUNNE, THOMAS, Kerry, Montgomeryshire, farmer, May 11, Newtown. *Off. Ass. Woodman; Sols. Jones, Newtown.—Pet. f. March 31.*

EVANS, JOHN, Wrexham, Denbighshire, cooper, April 24, Wrexham. *Off. Ass. Edgworth; Sols. Jones, Wrexham.—Pet. f. April 10.*

FLETCHER, JOHN GREGORY, Birmingham, baker, May 11, Birmingham. *Off. Ass. Guest; Sols. Duke, Birmingham.—Pet. f. April 4.*

FOWLER, ALFRED, Birmingham, grocer, May 1, Birmingham. *Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. April 4.*

GOSSE, WILLIAM, Walsall, Staffordshire, brass founder, May 1, Birmingham. *Off. Ass. Whitmore; Sols. Wilkinson, Walsall; James & Co., Birmingham.—Pet. f. April 11.*

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- GREEN, EDWARD, Forest-hill, Kent, out of business, May 5. Off. Ass. Stansfeld; Sols. Newbon & Co., Doctors'-commons.—Pet. f. April 14.
- HALL, JOSEPH, High-street, Battersea, assistant to a colour grinder, May 5. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 13.
- HANCOCK, WALTER, Fulham, Cambridgeshire, grocer, April 30. Off. Ass. Graham; Sols. Cole & Co., 36, Essex-street, Strand.—Pet. f. April 2.
- HART, HERBERT WILLIAM, Upper Albany-street, Regent's-park, gas-shade manufacturer, May 5. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 14.
- HAYLEY, THOMAS DAVID, Guildford, Surrey, tailor, May 5. Off. Ass. Cannan; Sol. Randall, 3, Gray's-inn-place, Gray's-inn.—Pet. f. April 14.
- HOPKIN, JOHN, Eham-place, Kent-street, Borough, marine dealer, May 5. Off. Ass. Stansfeld; Sol. Chipperfield, 3, Trinity-street, Southwark.—Pet. f. April 15.
- HUNT, GEORGE, Saham Tene, Norfolk, licensed victualler, May 5. Off. Ass. Cannan; Sols. Emerson, Norwich; Treherne & Co., Barge-yard-chambers, Bucklersbury.—Pet. f. April 15.
- IBBE, LEWIS JAMES, Upper Islington-terrace, Barnsbury, out of business, May 5. Off. Ass. Cannan; Sols. Treherne & Co., 17, Gresham-street.—Pet. f. April 13.
- JACKSON, JOHN COLLISON, Moreton-street West, Picnic, cabinet maker, May 5. Off. Ass. Cannan; Sols. Treherne & Co., 17, Gresham-street.—Pet. f. April 15.
- LOPEZ, MELCHOR, Camden-place, Southampton-street, Camberwell, out of business, May 5. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 15.
- MARTER, CHARLES, St. Margaret's, Hertfordshire, innkeeper, May 5. Off. Ass. Edwards; Sol. Batchelor, 7, Serle-street, Lincoln's-inn.—Pet. f. April 15.
- MELVILLE, FANNY, Marylebone-road, vocalist, May 5. Off. Ass. Stansfeld; Sol. Hill, 10, Basinghall-street.—Pet. f. April 13.
- MORPHEW, FRANCIS CODD, Colville-road, Kensington-park, Bayswater, wine merchant's clerk, May 5. Off. Ass. Stansfeld; Sol. Hallward, 5, Mitre-court, Temple.—Pet. f. April 15.
- PORTER, THOMAS MONTOLIZ, Barrow-hill-place, Regent's-park, clerk at the War Office, April 27. Off. Ass. Graham; Sol. Chipperfield, 3, Trinity-street, Southwark.—Pet. f. April 16.
- RULE, CHARLES GERARD, Gravesend, clerk in the Admiralty, Somerset House, April 27. Off. Ass. Stansfeld; Sol. Lloyd, 1, Wood-street.—Pet. f. April 13.
- RULE, EDWARD, St. Peter's-terrace, Hammersmith, clerk in the Admiralty Office, Somerset House, April 27. Off. Ass. Stansfeld; Sol. Lloyd, 1, Wood-street, Chesham.—Pet. f. April 15.
- SMITH, EDWARD, Metcalfe-road, Enfield-lock, out of business, May 5. Off. Ass. Edwards; Sol. Peverley, 19, Coleman-street.—Pet. f. April 11.
- SMITH, STEPHEN RANDOLL, John-street, Minorities, master mariner, May 5. Off. Ass. Cannan; Sols. Lawrence & Co., 8, Lincoln's-inn-fields.—Pet. f. April 14.
- STRATFORD, GEORGE, Mason's-Arms-yard, Maddox-street, Regent's-circus, out of employ, May 5. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 14.
- SUTHERLAND, JOHN, Upper Fitzroy-street, Fitzroy-square, tailor, April 27. Off. Ass. Graham; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. April 9.
- VIVIAN, JOHN ROBINS, Russell-place, Old Kent-road, Surrey, coal agent, April 27. Off. Ass. Stansfeld; Sol. Howell, 61, Cheapside.—Pet. f. April 14.

*To be heard in the Country.*

- ABERDEIN, SAMUEL, Hindolvestoe, Norfolk, schoolmaster, April 30, Aylsham. Off. Ass. Scott; Sol. Drake, East Dereham.—Pet. f. April 13.
- ANDERSON, JOHN WATSON, Hartlepool, Durham, druggist's assistant, May 2, Hartlepool. Off. Ass. Child; Sol. Bell, West Hartlepool.—Pet. f. April 10.
- ASHWORTH, JAMES, Stacksteads, Lancashire, joiner, April 29, Manchester. Off. Ass. Fraser; Sol. Watson, Bury.—Pet. f. April 13.
- AULT, JOHN, Birmingham, fancy-box manufacturer, April 27, Birmingham. Off. Ass. Kinney; Sol. East, Birmingham.—Pet. f. April 13.
- BARRACLOUGH, WILLIAM, Sheffield, news agent, May 2, Sheffield. Off. Ass. Young.—Adj. April 14.
- BARTLETT, SARAH PLATYSD, Brighton, out of business, May 13, Brighton. Off. Ass. Everard; Sol. Goodman, Brighton.—Pet. f. April 15.

- BEARD, SAMUEL, Cannock, Staffordshire, labourer, April 27, Walsall. Off. Ass. Clarke; Sol. Bowen, Stafford.
- BELL, JAMES, Market Rasen, Lincolnshire, bootmaker, April 29, Kingston-upon-Hull. Off. Ass. Carrick; Sols. Rhodes & Co., Market Rasen.—Pet. f. April 16.
- BLATHERWICK, WILLIAM CHRISTOPHER, Bracebridge, Lincolnshire, labourer, April 28, Lincoln. Off. Ass. Uppley; Sols. Brown & Co., Lincoln.—Pet. f. April 13.
- BOND, EDWIN, Litchfield, Staffordshire, maltster, May 1, Birmingham. Off. Ass. Whitmore; Sols. Harrison & Co., Birmingham.—Pet. f. April 11.
- BONE, THOMAS, Seilly, Cornwall, draper, April 27, Penzance. Off. Ass. Paynter; Sol. Millett, Penzance.—Pet. f. April 13.
- BROWN, WILLIAM, Sheffield, steel manufacturer, May 2, Sheffield. Off. Ass. Young.—Adj. April 14.
- CARLISLE, JOHN, Brampton, Cumberland, veterinary surgeon, May 12, Brampton. Off. Ass. Lee; Sol. Forster, Brampton.—Pet. f. April 15.
- CARTER, SAMUEL, Birstal, Yorkshire, stonemason, May 7, Bradford. Off. Ass. Robinson; Sol. Hill, Bradford.—Pet. f. April 14.
- COLDICOTT, WILLIAM, Birmingham, baker, May 1, Birmingham. Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. f. April 15.
- DEAKIN, JAMES, and DEAKIN, EDWIN, Stoke-upon-Trent, Staffordshire, earthenware manufacturers, May 6, Stoke-upon-Trent. Off. Ass. Whitmore; Sols. Litchfield, Newcastle-under-Lyme; James & Co., Birmingham.—Pet. f. April 11.
- DEIGHTON, GEORGE, York, cabinet maker, May 1, York. Off. Ass. Perkins; Sol. Mason, York.—Pet. f. April 15.
- DUGGETT, CHRISTOPHER, Birmingham, Catholic priest, April 30, Postypidd. Off. Ass. Spickett; Sol. Goodere, Cardiff.—Pet. f. April 14.
- DUNN, MARTIN, Gateshead, Durham, builder, April 28, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.—Pet. f. March 28.
- EDWARDS, THOMAS, Yarpole, Herefordshire, out of business, April 29, Leominster. Off. Ass. Robinson; Sol. Bedford, Leominster.—Pet. f. April 10.
- GADD, GEORGE, Portsea, Hampshire, bookseller, April 27, Portsmouth. Off. Ass. the registrar; Sol. Wallis, Portsmouth.—Pet. f. April 11.
- GODFREY, JOHN, Swanington, Leicestershire, builder, April 29, Ashby-de-la-Zouch. Off. Ass. Dewes; Sol. Dewes, Ashby-de-la-Zouch.—Pet. f. April 14.
- GORLE, GEORGE, Handsworth, Staffordshire, plumber, May 11, Birmingham. Off. Ass. Guest; Sol. Marshall, Birmingham.—Pet. f. April 14.
- HADDON, SAMUEL JAMES, Christchurch, Southampton, schoolmaster, April 29, Christchurch. Off. Ass. Druiett; Sol. Sharp, Christchurch.—Pet. f. April 13.
- HAMSON, JOHN, Macclesfield, Cheshire, joiner, April 28, Macclesfield. Off. Ass. the registrar; Sol. Cooper, Congleton.—Pet. f. April 14.
- HARRISON, JAMES, York, cattle dealer, May 1, York. Off. Ass. Perkins; Sol. Mason, York.—Pet. f. April 15.
- HOPKINS, WILLIAM, Llanfawr, Denbighshire, bailiff, April 30, Ruthin. Off. Ass. Edwards; Sol. Louis, Ruthin.—Pet. f. April 14.
- HUGHES, WILLIAM, Newark, Nottinghamshire, out of business, April 25, Newark. Off. Ass. Newton; Sol. Heathcote, Nottingham.—Pet. f. April 14.
- INGRAM, SAMUEL, Kingwinford, Staffordshire, miner, June 1, Stourbridge. Off. Ass. Harward; Sol. Warmington, Dudley.—Pet. f. April 14.
- JENKINSON, MICHAEL, Grantham, Lincolnshire, shoemaker, April 27, Grantham. Off. Ass. Winter; Sol. Malm, Grantham.—Pet. f. April 11.
- JONES, ROBERT, Conway, Carnarvonshire, confectioner, April 29, Liverpool. Off. Ass. Morgan; Sols. Evans & Co., Liverpool.—Pet. f. April 16.
- JONES, THOMAS, Liverpool, slater, April 29, Liverpool. Off. Ass. Turner; Sol. Banner, Liverpool.—Pet. f. April 14.
- LANE, JOHN, Newark, Nottinghamshire, tailor, April 25, Newark. Off. Ass. Newton; Sol. Ashley, Newark.—Pet. f. April 11.
- LEWIS, JAMES, Narberth, Pembrokeshire, tailor, May 5, Narberth. Off. Ass. Owen; Sol. Lascelles, Narberth.—Pet. f. April 14.
- LEWIS, REUBEN, Whitchurch, near Cardiff, Glamorganshire, beer retailer, May 2, Cardiff. Off. Ass. Langley; Sol. Waldron, Cardiff.—Pet. f. April 15.
- LITTLE, JOHN, Hayton, Cumberland, husbandman, May 13, Brampton. Off. Ass. Lee; Sol. Wannop, Carlisle.—Pet. f. April 14.
- MANN, GEORGE, Manchester, butcher, May 1, Manchester. Off. Ass. Pott; Sol. Swan, Manchester.—Pet. f. April 11.
- MILLER, GEORGE, Lechlade, Gloucestershire, cattle dealer, May 1, Bristol. Off. Ass. Miller; Sol. Brittan, Bristol.—Adj. April 13.
- MONKHOUSE, GEORGE, Castlesowerby, Cumberland, labourer, April 25, Penrith. Off. Ass. Varty; Sol. Brunakill, Penrith.—Pet. f. April 10.
- MORRETON, SAMUEL, Birmingham, anatomical artist, May 11, Birmingham. Off. Ass. Guest; Sol. Marshall, Birmingham.—Pet. f. April 13.
- MORRIS, INGRAM, Wednesbury, Staffordshire, labourer, April 27, Walsall. Off. Ass. Clarke; Sol. Jackson, West Bromwich.
- NIXON, WILLIAM, Llanannon-in-Yale, Denbighshire, farmer, April 30, Ruthin. Off. Ass. Edwards; Sol. Louis, Ruthin.—Pet. f. April 14.
- PANK, ALEXANDER CULHAM, King's Lynn, Norfolk, plumber, May 2, King's Lynn. Off. Ass. Wilson; Sol. Wilkin, King's Lynn.—Pet. f. April 13.
- PETTER, GEORGE, Earlsom, Suffolk, machine maker, April 30, Framlingham. Off. Ass. Clubbe; Sol. Shafto, Framlingham.—Pet. f. April 13.
- PROSSER, THOMAS, Pershore, Worcestershire, dealer in fruit, April 28, Pershore. Off. Ass. Ricketts; Sol. Wilson, Worcester.—Pet. f. April 7.
- RANSOM, CHARLES, Edington, Wiltshire, May 5, Devizes. Off. Ass. Norris; Sol. Bartrum, Bath.—Pet. f. April 13.

CONTENTS.

London Gazettes.....	150
Leading Article .....	151
Correspondence .....	153
Imperial Parliament .....	154
New Trials moved in Easter Term .....	154

NAMES OF THE CASES REPORTED.

HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

<i>Massy v. Lloyd.</i> —(Marriage settlement—Term of years—Portions—Trust to raise—Younger children—When raiseable—Interest).....	391
---	-----

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

<i>Marshall v. Baker.</i> —(Marriage settlement—"Issue" construed "children") .....	396
<i>Watney v. Wells.</i> —(Partnership—Dissolution—Mode of taking accounts—Interest).....	396
<i>Pearson v. Cranswick.</i> — <i>Cranswick v. Pearson.</i> —(Will—Construction—Joint tenancy—Tenancy in common) .....	397
<i>Windover v. Smith.</i> —(Copyright of Designs Acts—5 & 6 Vict. c. 100, and 6 & 7 Vict. c. 65—Novelty—Utility) .....	397

VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

<i>Sandford v. Sandford.</i> —(Practice—Next friend)....	398
<i>Young v. Davies.</i> —(Will—"Offspring"—Joint tenant—Witness—Wills Act).....	399

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

<i>West v. West.</i> —(Will—Construction—Vested interest—Marriage, condition precedent).....	400
<i>Swainston v. Clay and Another.</i> —(Bankruptcy—Order and disposition—Agreement—Lien on unfinished vessel).....	401

VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCE, Barrister at Law.

<i>Simpson v. Fogo.</i> —(Conflict of laws—Foreign tribunal—Judgment in personam and in rem—Colonial Courts).....	403
---	-----

COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

<i>Bliss, App., Lilley, Resp.</i> —(Fog signals—Manufacture of "explosive preparations and compositions"—Fireworks—23 & 24 Vict. c. 139) ....	410
---	-----

COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

<i>The London and Westminster Loan, &amp;c. Company v. Chace and Another.</i> —(Bills of Sale Act—Affidavit under sect. 1—Describing maker of bill—Interpleader) .....	412
<i>Samuel, App., Hitchmough, Resp.</i> —(Borough rate—Ten pound list—Reserved right list—6 Vict. c. 18, s. 17, Sched. (B.), No. 11) .....	414

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

<i>Metters, Administrator, v. Brown.</i> —(Estoppel—Administrator).....	416
---	-----

COURT OF PROBATE.

By DR. MIDDLETON.

<i>In the Goods of M. A. E. J. Stewart, Deceased.</i> —(Probate—Incorporation of unattested papers) ..	417
--	-----

COURT OF ADMIRALTY.

By W. ERNEST BROWNING, Barrister at Law.

<i>The India.</i> —(Bottomry bondholder—Decree of sale—Prima facie title—Claim for necessities—Proof of interest—Necessaries supplied to foreign ships in foreign port—3 & 4 Vict. c. 65—Admiralty Court Act, 1861) .....	417
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THE JURIST.

LONDON, APRIL 25, 1863.

THOSE nations which, when neutral, have inveighed most strongly against the rights of belligerents in maritime warfare, have in many cases, when they themselves became belligerents, repudiated the doctrines they formerly laid down, and carried their proceedings against neutrals to the extreme limit of the law. For instance, the armed neutrality insisted upon the doctrine of "free ships, free goods," yet not many years after that principle was abandoned by nearly all the members of the northern confederacy, the great leader of that alliance—Russia, being the chief instigator of the unusual severities which were adopted towards neutrals.

In recent times the United States of America, or what may, perhaps, be now more properly termed the residuary portion of such States, have afforded a signal example of the manner in which a country, formerly endeavouring to enlist the sympathy of other nations, in favour of ill-used neutrals, has, when itself a belligerent, thrown all its former arguments to the winds, and has insisted, not only upon its right to enforce, as against neutrals, the utmost severities permissible by maritime law, but has attempted to set aside that law altogether. Of this, the case of *The Trent* is a well-known instance.

\* Manning's Law of Nations, 271.

During the whole of the present war between the Federal and Confederate States, England has always been ready to admit the fair exercise of belligerent rights against her own citizens as neutrals. What her Courts of Admiralty in former wars enforced against other States as neutrals, England has never objected to on the part of American cruisers. England has never resisted the right of visitation and search, nor has she attempted to break a blockade which has pressed with unexampled severity upon large masses of her manufacturing population, although such blockade in many instances has been shewn to be not altogether regular, and, in fact, to have been attended with sufficient irregularity to render its legality, according to well-established precedents, at least doubtful.

The fairness with which England, as a neutral, has acted to the Federal States as belligerents, has been met with in a far different spirit. The episode of *The Trent* shewed how entirely international law would be disregarded by the persons who conduct the affairs of the Federal States, when they believed that lawless acts might be perpetrated with impunity, and the re-appointment of the naval officer by whom that outrage was perpetrated upon the British flag, would naturally lead any one to infer that similar acts of lawlessness were either contemplated, or would not improbably take place.

Several cases of the seizure of British vessels by Federal cruisers has lately taken place, under circumstances so grossly illegal, that unless our Government

interferes, the legitimate trade of British merchants will be seriously injured. The only case to which we shall now allude is that of *The Peterhoff*, although there are others of quite as flagrant a character. The *Peterhoff* was bound from the port of London to Matamoras, a neutral port. Her destination, therefore, was legal; and this was borne out by all the documents which, according to mercantile usage, such vessels carry; nor does it appear, either from the nature of the cargo or from any other circumstance, that the destination of *The Peterhoff* was for any blockaded port. The seizure there seems to have taken place either from mere caprice, or upon the chance, that at some future time something like evidence might turn up, upon which some grounds of suspicion might be manufactured and alleged. The question for the consideration of our Government and of this country is this, whether, according to the doctrines of international law a neutral vessel, having apparently a lawful destination, can be lawfully seized by a belligerent, although all the papers are regular, and her owners have fulfilled all legal and commercial formalities to prove the legality of the voyage, provided only that the belligerent merely alleges a suspicion that her destination may be to a blockaded port?

In a recent case, which arose out of the Russian war, *The Ostsee Voss* (Spinks, 174), the law upon this subject was well laid down in the Privy Council. There a neutral had been seized, without any ostensible cause, for an alleged breach of the blockade of Cronstadt. As it appeared distinctly from the papers of the ship that she had committed no breach of blockade, *restitution, with costs and damages*, was ordered. "By the usage of all countries," said Lord Kingsdown, in giving judgment, "captors have a great interest in increasing the number of prizes. The temptation to send in ships for adjudication is sufficiently strong. Is it too much to say, that, when no ground of suspicion can be shewn, and all that the captor can allege is, that *he did wrong under a mistake*, he should make good, in temperate damages, the injury which he has occasioned? Ought a captor to be permitted to say to the captured, 'True, nothing suspicious appeared in your case at the time of the seizure; but upon further inquiry something might have been discovered. I had a right to take my chance; you have nothing to complain of. I subjected you to no unnecessary inconvenience; go about your business, and be thankful for your escape?' We cannot think that this would be deemed a satisfactory answer to a British neutral seized by a foreign belligerent."

Thus was the law laid down in our own Courts of Admiralty, where a vessel seems to have been seized under a mistake that Cronstadt was under a blockade at a time when it appears that no blockade had really been proclaimed. In the case of *The Peterhoff* no such excuse can be alleged. The destination of the vessel was to a neutral port; there was no ground for suspicion at the time of the seizure; and we fully agree with the law as laid down by Lord Kingsdown, that the Federal commander had no right to seize the British vessel merely upon the ground "that upon further inquiry something might be discovered, and that he had a right to take his chance."

The Federal authorities, however, seem not to be content with violating the rules of international law in the seizure of British vessels; but their minister at this Court (Mr. Charles Francis Adams) has even assumed authority to give British vessels license to trade to *neutral ports*, as if we had not that right already without any permission.

The following is a letter of the American Minister, giving leave to a British vessel to go to Matamoras:—

"Legation of the United States.

"London, April 9."

"Amid the multitude of *fraudulent and dishonest enterprises from this Kingdom* to furnish supplies to the rebels in the United States, through the pretence of a destination to some port in Mexico, it gives me pleasure to distinguish one which has a different and a creditable purpose. Messrs. — have furnished me with evidence, which is perfectly satisfactory to me, that they are really bound to Matamoras, with a cargo intended for the Mexicans. I therefore very cheerfully give them this certificate, at their request. It is not the disposition of the Government of the United States to interfere in any way with an honest neutral trade, and it is deeply to be regretted that the frauds which have been so extensively practised in this country have contributed so much to throw it under suspicion.

"CHARLES FRANCIS ADAMS.

"Admiral Dupont, &c."

Few persons reading the letter of Mr. Charles Francis Adams would suppose, after the virtuous indignation which he expresses against dishonest neutral trade, that the cargo of the vessel, which he distinguished as having such a creditable purpose, was a cargo of arms—*contraband of war*, intended for the Mexicans, and of course to be used against the French, with whom they are at war.

It seems, moreover, that vessels under the French flag are allowed to go unchallenged to Matamoras, and the mercantile marine of the Federal States are also unmolested, carrying on a thriving trade with that port.

If our Government submits to the proceedings of the Federal States, with reference to this port, English vessels will be worse off than if the port of Matamoras were actually blockaded, for nothing is clearer than this—that a relaxation of a blockade in favour of belligerents, to the exclusion of neutrals, is clearly illegal; nor will a similar relaxation in favour of some neutrals make it legal. (*Northcote v. Douglas—The Franciska*, 10 Moo. P. C. 37).

We have not thought it necessary to allude to the treatment by the American captors of British crews and their officers. For this, as well as for the illegal seizure of our vessels, we trust that our Government will demand and obtain reparation, and a satisfactory assurance that similar acts will not be repeated.

JURIDICAL SOCIETY.—A meeting of this society took place at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 20th instant, W. M. Best, Esq., in the chair; when a paper was read by Mr. W. Marshall, intitled "Copyright in the Fine Arts." A discussion ensued, in which the society was addressed by the Chairman, Mr. C. Clerk, Mr. F. Lawrence, Mr. G. Sweet, and Mr. F. M. Nicholls.

Correspondence.

"NOT RECEIVED IN EVIDENCE."

TO THE EDITOR OF "THE JURIST."

SIR,—This is not "new doctrine." Your correspondent "G. S." has overlooked some of the decisions at common law, in which this same question has arisen under the corresponding language of the old Stamp Acts. (See *Coppock v. Bower*, 4 M. & W. 361).

The argument runs thus—every instrument must be stamped according to its legal operation—i. e. if it be an agreement, it must bear an agreement stamp; if it be a conveyance, a conveyance stamp; if it be a deed, a deed stamp. I remember the late Mr. Baron Alderson, at Nisi Prius, in *Horton v. Riley* (11 M. & W. 492). A creditor, on signing a composition deed, had also taken an instrument purporting to secure him a further sum, which having been paid, action brought to recover it back.

This instrument was put in by the plaintiff to prove the legal fraud on the other creditors; objection, it has no stamp. "What stamp," says the judge, "does this require?" "An agreement stamp," my Lord. "No; this is *not* an agreement; the law will not let it be an agreement; if it were an agreement, I should nonsuit the plaintiff."

The same question has often arisen upon asking for an adjudication of bankruptcy, treating an *unstamped* deed of assignment for the benefit of creditors as the act of bankruptcy.

The argument has been—this is not a need nor a conveyance; the object of the adjudication is to prevent it operating as either one or the other.

The same point arose again specifically upon the 194th section, before that most respectable authority, Mr. Commissioner Holroyd. (*In re Mew and Thorne*, 5 Law T. 435).

The following passages from the commissioner's observations are striking:—

[If he (the petitioning creditor) makes it (the deed) an act of bankruptcy, it is on the ground of its being a fraudulent and void deed as against the creditors. He is not putting it in evidence with the view of enforcing it as a legitimate deed, but with the view of upsetting the deed altogether, and making it an act of bankruptcy. It seems to me to be the same as in the case of a forged note which has not been stamped; though not stamped, it is allowed to be put in evidence as proof of the forgery. I have said the same over and over again with regard to deeds put in evidence, but which have borne no stamp; it is the same principle exactly.]

Argument—In the present case there was a transfer of property, therefore the principle would not apply.

[The Commissioner.—No; it is not sought to make it a transfer of property at all; but it is contended, that the property ought to come to the creditors, and not to pass under the deed.] Again—[Those words, "and in default thereof shall not be received in evidence," must necessarily apply where the deed is attempted to be put in evidence to enforce a contract, and not where it is put in evidence simply for the purpose of upsetting it, and making it an act of bankruptcy. I may add, that this is my deliberate opinion, after mature consideration, and not a mere offhanded expression of opinion.]

I am, Sir, your obedient servant,

E. W.

[Our correspondent appears to be as much in the dark on this subject as the Lord Chancellor and Mr. Commissioner Holroyd (of the latter of which judges,

however, we would speak with the greatest respect). The doctrine in *Ex parte Wensley* and *In re Mew and Thorne* may be familiar at Basinghall-street, but it is thoroughly new to Westminster Hall. *Coppock v. Bower* is one of a large and well-known class of cases which have nothing in common with *Ex parte Wensley*, but establish the principle, that though an unstamped instrument cannot be read to prove that it was an instrument operative according to its purport, it may be read, as part of the *res gestæ*, in proof of an illegal transaction. The agreement in *Coppock v. Bower* was used, not to prove that the plaintiff and defendant entered into an agreement in writing having a certain effect, but to prove their *intentions*, to shew by their own statement that a certain I O U was given for an illegal consideration. So, the agreement in *Horton v. Riley* was admitted, not as evidence that the parties to it bound themselves according to its terms, but as a statement explaining the object with which money had been paid. The documents in all these cases are received as *admissions* by the parties, not as operative instruments. The remark attributed by our correspondent to the late Baron Alderson was beside the point, and must be classed with the many sayings at Nisi Prius which the reporters judiciously suppress.

A conveyance of land may, under certain circumstances, be—not an illegal act, but—an act giving to the Court of Bankruptcy jurisdiction to adjudge the grantor a bankrupt; one consequence of which adjudication, if it is made, is, that the property, *which passed by the deed* (otherwise there was no act of bankruptcy), becomes divested out of the *grantee*, and vested in the grantor's assignees in bankruptcy. Subject to that contingency, the conveyance, though an act of bankruptcy, is lawful and valid; and if no adjudication is made within a year, the title of the *grantee* is indefeasible. The act of bankruptcy relied on in *Ex parte Wensley* was a conveyance of real estate, which could only be by deed; and the decision came to this—that the unregistered deed was admissible to prove, not that somebody did something else, but that the deed *operated* in the way in which it was intended to operate, subject to the liability of being set aside by the Court of Bankruptcy. It would have been as reasonable to treat a grant of land by word of mouth as an act of bankruptcy.

Baron Alderson's remark, as stated by our correspondent, though it did not give the true ground of the admissibility of the document which he received, is still irreconcilable with Lord Westbury's doctrine. "If it *were* an agreement, I should nonsuit the plaintiff," said the Baron. "If it *were not* a conveyance, the petitioner would have no case," implied the Lord Chancellor.

The cases in bankruptcy, in which unstamped deeds have been admitted, were probably cases in which, as the deeds could be stamped at any time, the objection was not insisted on, or they are to be classed with many other cases in bankruptcy.]

J. S. M. Fonblanque, Esq., has, we believe, retired from the office of Commissioner in Bankruptcy.

## Imperial Parliament.

### HOUSE OF COMMONS.—Thursday, April 16.

#### JURORS' REMUNERATION BILL.

On the motion for the second reading of this bill,  
*The Attorney-General* said he would not oppose the second reading, but suggested various alterations in the measure.

### NEW TRIALS MOVED IN EASTER TERM.

#### COURT OF COMMON PLEAS.

Midd.—Richardson v. Kirk	Bristol—Jolly & an. v. Rees
Lond.—Beadel v. Howard	York—Rumsey v. North-eastern Railway Co.
—Steer v. Crowley & an.	Surrey—Bouillonetie v. Lup-ton
—Ionides v. Universal Marine Insurance Co.	—Kidner v. Keith
—Williams & ors. v. Swansea Harbour	—Aldis v. Latter
—Collingwood v. Berkeley	Carnarv.—Williams v. Owen
—Same v. Same	Chester—Dean v. Mellard
—Moore v. Colyan	Midd.—Pigott v. Cubley
—Barker v. Highley	—Shipley v. Marshall
—Buswell v. Parkes	<i>Suspended.</i>
—Green v. Bartlett	Lond.—Peacock v. Pursell
—Williams v. Smith & ors.	<i>Postponed Motion for New Trial.</i>
—Same v. Same	
—Gray v. Jones & ors.	Essex—Lee v. Dixon.
Bristol—Martyn v. Gray	

#### COURT OF EXCHEQUER.

Midd.—Gough v. Everard	Chester—Mead v. Brown
Lond.—Beavan v. Countess of Waldegrave	Shrewsb.—Cooke v. Waring
—Hill v. Tupper	Gloster—Sleeman v. Barrert
Notts.—Whitehead v. Norris	Exeter—Banbury v. White
Linc.—Newcomb v. Munton	Taunton—Tanner v. Haine
Warwick—Martin v. Peyn	Devises—Hush v. Martin
Durham—Fenwick v. Hedley	Bristol—Holmes v. Morris
Liverp.—Stockdale v. Lancashire and Yorkshire Railway Co.	—Routh v. Macmillan
—Sill v. Swann	Chelmsford—Keys v. Main
—Duckworth v. Ewart	Maldstone—Terrell & ors. v. Darton & Hodge
—Beaumont & White v. Paulton & Ireland	Kingston—Meyer v. Barnett
—King & ors. v. Walker	—Martin v. Higgs
—Leiden v. Lawrence	Bury St. Ed.—Ford v. Ager
	Swansea—Kynaston v. Nicholson & ors.
	Brecon—Snead v. Williams.

#### SPECIAL PAPER.

Mills v. Bayley (D.)	The Ornamental Pyrographic
Boydall v. Cant (D.)	Woodwork Co. v. Brown
Clay v. Roberts (D.)	(D.)
Overseers of the Parish of Staples Inn v. Board of Guardians of the Holborn Union (Ap.)	Renwick v. Dale (D.)
Warren & ors. v. Paahby (Sp. C. by order of Bramwell, B.)	Dell v. King (D.)
Stephens v. French (D.)	Clayton v. McDaniel (D.)
Williams v. Blackwall (D.)	Watson v. Pearson & an. (D.)
Hulls v. Estcourt (D.)	Wredenberg v. Brandon & an. (D.)
Collard v. Amos (Sp. C. by order of Blackburn, J.)	Cardwell & an. v. Taylor & an. (Ap. from County Court)
	Waller v. South-eastern Railway Co. (Sp. C. by order of Nisi Prius)
	Birmingham v. Hubbell (D.)

#### SITTINGS IN ERROR.

##### QUEEN'S BENCH.

Saturday ..... May 9 | Monday ..... May 11

##### COMMON PLEAS.

Tuesday ..... May 13 | Wednesday ..... May 13

##### EXCHEQUER OF PLEAS.

Thursday ..... May 14 | Friday ..... May 15

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this society took place at its rooms, 3, Waterloo-place, Pall-mall, on Monday, the 16th March, 1863, W. T. S. Daniel, Esq., Q. C., in the chair; when the following resolution was moved by Mr. Teulon, seconded by Mr. A. White, and carried:—"That the Committee on Law Reporting appointed at the last general meeting of the society, although no report has as yet been presented, be authorised to take such steps as to them may appear advisable, to bring the subject to the notice of the Government." Mr. Torrens read a paper on the "Transfer of Land by Registration of Title, as now in operation in Australia under the 'Torrens System.'"

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—Henry Parker Badger, of Rotherham, Yorkshire, in and for the West Riding of the county of York; Edward Henry Rickards, of No. 29, Lincoln's-inn-fields, in and for the county of Middlesex, also in and for the city and liberties of Westminster, and the city of London; and Christopher Thomas Potts, of Sunderland, in the county of Durham, in and for the county of Durham.

REED, JOHN, Abbots Bickington, Devonshire, farmer, April 23, Exeter. Off. Ass. Daw; Sol. Floud, Exeter.—Pet. f. April 13.	
RICHARDSON, JOSEPH, Middlesbro', Yorkshire, printer, April 30, Leeds. Off. Ass. Young.—Adj. April 14.	
RICHMOND, CHARLES, West Retford, Nottinghamshire, cooper, May 6, East Retford. Off. Ass. Newton; Sol. Denman, East Retford.—Pet. f. April 15.	
SMITH, ROBERT ANTHONY, Gateshead, Durham, beer-house keeper, April 28, Gateshead. Off. Ass. Ingledew; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. April 14.	
SMITH, SAMUEL, Huddersfield, Yorkshire, listing manufacturer, April 30, Huddersfield. Off. Ass. Jones; Sol. Learoyd, Huddersfield.—Pet. f. April 11.	
STANTON, JOSEPH, West Bromwich, Staffordshire, shoemaker, April 30, Dudley. Off. Ass. Walker; Sol. Glover, Walsall.—Pet. f. April 14.	
SUTCLIFFE, WILLIAM; SUTCLIFFE, ALLISON; and WHITAKER, JAMES, Bradford, Yorkshire, cotton spinners, May 4, Leeds. Off. Ass. Carrick; Sols. Hill, Bradford; Simpson, Leeds.—Pet. f. April 13.	
THOMAS, HENRY, Hereford, Innkeeper, May 7, Hereford. Off. Ass. Reynolds; Sol. Bodenham, Hereford.—Adj. April 10.	
TOWN, EDWARD HENRY JOHN, Bradford, Yorkshire, ale merchant, April 30, Leeds. Off. Ass. Young; Sol. Simpson, Leeds.—Pet. f. April 13.	
TURBETVILLE, GILES, Pershore, Worcestershire, tailor, April 23, Pershore. Off. Ass. Hudson; Sol. Wilson, Worcester.—Pet. f. April 7.	
UNSWORTH, JOHN, Bolton, Lancashire, tea dealer, May 1, Manchester. Off. Ass. Fraser; Sol. Boots, Manchester.—Pet. f. April 15.	
VERNON, JAMES, Leicester, dealer in musical instruments, April 29, Leicester. Off. Ass. Ingram; Sol. Spooner, Leicester.—Pet. f. April 9.	
VETIST, ROBERT, East Anstey, Devonshire, farmer, May 13, Southmolton. Off. Ass. Crosse; Sol. Shapland, South Molton.—Pet. f. April 14.	
WARD, JOHN, Birmingham, railway porter, May 11, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. April 14.	
WARD, JOHN, Sutton in Ashfield, Nottinghamshire, bag hosier, May 11, Nottingham. Off. Ass. Patchitt; Sol. Cornham, Mansfield.—Pet. f. April 14.	
WIGNALL, DENNIS, Everton, near Liverpool, tallow chandler, April 23, Liverpool. Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. April 13.	
WILLIAMS, WILLIAM, Birkenhead, Cheshire, licensed victualler, April 29, Liverpool. Off. Ass. Morgan; Sol. Yates, Liverpool.—Pet. f. April 11.	
WYATT, HENRY, Appleby, Leicestershire, miller, April 27, Ashby-de-la-Zouch. Off. Ass. Dewes; Sol. Dewes, Ashby-de-la-Zouch.—Pet. f. April 13.	

#### BANKRUPTCIES ANNULLED.

HOOD, SAMUEL, Upper Thames-street, and Latimer-road, Notting-hill, iron merchant.

TIMWELL, ELIZABETH, Kirkdale, Lancashire, cart owner,

#### TUESDAY, April 21.

##### BANKRUPTS.

##### To be heard in London.

BAKER, EDMUND, Gravesend, Kent, watchmaker, May 4. Off. Ass. Edwards; Sols. Willkinson & Co., 4, Nicholas-lane.—Pet. f. April 17.

BLAIR, THOMPSON, Burlington-arcade, bootmaker, May 7. Off. Ass. Graham; Sols. Dod & Co., 19, Great Portland-street.—Pet. f. April 15.

**BOYHAM, HENRY**, Frederick-place, Hampstead-road, shoemaker, May 12. *Off. Ass. Stansfeld; Sol. Le Blanc & Co., 18, New Bridge-street.*—*Pet. f. April 16.*

**BURROW, GEORGE**, Duke-street, London-bridge, beer-shop keeper, May 5. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. April 17.*

**BROWN, EDWARD JOHN**, Gertrude-street, Chelsea, assistant to a publican, May 5. *Off. Ass. Cannan; Sol. Munday, 6, Essex-street.*—*Pet. f. April 17.*

**BURNS, WILLIAM**, Bury St. Edmunds, Suffolk, May 7. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Adj. April 13.*

**BURTON, ARTHUR JOSEPH**, Castle-street, Falcon-square, warehouseman's assistant, May 4. *Off. Ass. Edwards; Sol. Porter, 32, Coleman-street.*—*Pet. f. April 17.*

**CHESTER, GEORGE AUGUSTUS HAMILTON**, Wigmore-street, Cavendish-square, clerk of the peace for Antrim, Ireland, May 5. *Off. Ass. Stansfeld; Sol. Lewis & Co., 10, Ely-place, Holborn.*—*Pet. f. April 17.*

**DABSON, GEORGE**, Chobham, Surrey, farmer, May 4. *Off. Ass. Edwards; Sol. Lovett, Guildford; Lawrence & Co., 14, Old Jewry-chambers.*—*Pet. f. April 13.*

**DAVIES, CHARLES JAMES**, Rufford-buildings, High-street, Islington, out of business, May 4. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. April 13.*

**DUNN, SAMUEL**, Gotha-cottages, Coburg-road, Old Kent-road, carpenter, May 7. *Off. Ass. Graham; Sol. Marshall, 9, Lincoln's-inn-fields.*—*Pet. f. April 15.*

**EELS, EDWARD**, Long-acre, out of business, May 7. *Off. Ass. Graham; Sol. Munday, 6, Essex-street, Strand.*—*Pet. f. April 16.*

**EDMAN, JOHN PENNELL**, Upper Seymour-street, Euston-square, out of business, May 4. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. April 13.*

**FARMBOROUGH, WILLIAM**, Roxeth, Harrow, grocer, May 4. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. April 15.*

**GASKIN, WILLIAM**, Union-place, Marylebone-road, ornamental draughtsman, May 5. *Off. Ass. Stansfeld; Sol. Peverley, 19, Coleman-street, City.*—*Pet. f. April 17.*

**GILLIONS, GEORGE THOMAS**, Great Aynall, Hertfordshire, farmer, May 4. *Off. Ass. Edwards; Sol. Batchelor, 7, Serle-street, Lincoln's-inn.*—*Pet. f. April 16.*

**GORDON, CHARLES HAMILTON**, Burleigh-street, Strand, lithographer, May 7. *Off. Ass. Graham; Sol. Chidley, 25, Old Jewry.*—*Pet. f. April 17.*

**HOLMES, JAMES NATHAN**, Norfolk-street, Strand, merchant, May 5. *Off. Ass. Cannan; Sol. Chidley, 25, Old Jewry.*—*Pet. f. April 17.*

**INSEY, THOMAS**, Guildford and Farnham, Surrey, auctioneer, May 5. *Off. Ass. Cannan; Sol. Lovett, Guildford; Lawrence & Co., 14, Old Jewry-chambers.*—*Pet. f. April 13.*

**MURCH, HENRY**, Newland-street, Kensington, tailor, May 5. *Off. Ass. Cannan; Sol. Olive, 47A, Portsmouth-street, Lincoln's-inn-fields.*—*Pet. f. April 16.*

**ROBINSON, CHARLES**, Montpelier-row, Twickenham, masonic jeweller, May 4. *Off. Ass. Graham; Sol. Mardon, 99, Newgate-street.*—*Pet. f. April 17.*

**SATWELL, GEORGE**, Chenies-mews, Bedford-square, carpenter, May 4. *Off. Ass. Edwards; Sol. Pook, 27, Basinghall-street.*—*Pet. f. April 14.*

**SMITH, JOHN THOMAS**, Circus-street, near Bryanstone-square, Marylebone, working upholsterer, May 4. *Off. Ass. Graham; Sol. Vaughan, 63, Paddington-street, Marylebone.*—*Pet. f. April 20.*

**SPURS, JOHN WILLIAM**, Grange-road, Bermondsey, news-vender, May 4. *Off. Ass. Stansfeld; Sol. Chipperfield, 3, Trinity-street, Southwark.*—*Pet. f. April 16.*

**STEWART, ARCHIBALD**, St. Mary-le-Strand-place, Old Kent-road, commercial clerk, May 4. *Off. Ass. Edwards; Sol. Loe, 7, Gray's-inn-square.*—*Pet. f. April 16.*

**WELCH, HERBERT WHITEHALL**, Greenwich, Kent, clerk in the Admiralty, Somerset House, May 4. *Off. Ass. Graham; Sol. Harrison & Co., 24, Old Jewry.*—*Pet. f. April 16.*

**WIGGINTON, JAMES**, Stingo-lane, Marylebone, grocer, May 4. *Off. Ass. Edwards; Sol. Lewis, 2, Raymond-buildings, Gray's-inn.*—*Pet. f. April 14.*

**YOUNG, ROBERT**, Deptford, Kent, shipwright, May 4. *Off. Ass. Stansfeld; Sol. Norton & Co., Walbrook-house, Walbrook.*—*Pet. f. April 18.*

**YOUNG, ROBERT**, George-street, Islington, tailor, May 4. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. April 13.*

**ZERMAN, FRANCISCO**, Tillotson-place, Waterloo-road, Surrey, out of business, May 4. *Off. Ass. Edwards; Sol. Davies, 9, Union-court, Old Broad-street.*—*Pet. f. April 15.*

#### To be heard in the Country.

**ALLAN, HENRY TURNBULL**, Newcastle-upon-Tyne and Tynemouth, shipbroker, May 5, Newcastle-upon-Tyne. *Off. Ass. Baker; Sol. Hodge & Co., Newcastle-upon-Tyne.*—*Pet. f. April 17.*

**ASBOURN, WILLIAM**, Lincoln, tailor, May 2, Lincoln. *Off. Ass. Appleby; Sol. Brown & Co., Lincoln.*—*Pet. f. April 17.*

**BADHAM, FREDERICK COLSTON**, Bristol, commission agent, May 1, Bristol. *Off. Ass. Harley; Sol. Clifton & Co.*—*Pet. f. April 15.*

**BARBER, HENRY**, Halifax, Yorkshire, greengrocer, May 1, Halifax. *Off. Ass. Dyson; Sol. Holroyde, Halifax.*—*Pet. f. April 18.*

**BARACLOUGH, WILLIAM**, Sheffield, Yorkshire, news agent, May 2, Sheffield. *Off. Ass. Young.*—*Adj. April 14.*

**BIRD, ISAAC**, Manchester, boatman, May 4, Manchester. *Off. Ass. Kay; Sol. Roberts, Manchester.*—*Pet. f. April 14.*

**BLUNSON, CHARLES**, Wellingborough, Northamptonshire, innkeeper, April 29, Wellingborough. *Off. Ass. Burnham; Sol. White, Northampton.*—*Pet. f. April 14.*

**BROWN, WILLIAM**, Sheffield, steel manufacturer, May 2, Sheffield. *Off. Ass. Young.*—*Adj. April 14.*

**BUTLER, JAMES**, Ospridge, Kent, farm bailiff, May 6, Faversham. *Off. Ass. Tassell; Sol. Bathurst & Co., Faversham.*—*Pet. f. April 15.*

**COLLINS, MATTHEW**, Hereford, butcher, May 7, Hereford. *Off. Ass. Reynolds; Sol. Garrod, Hereford.*—*Pet. f. April 16.*

**COOPER, GEORGE**, Bishop Auckland, Durham, butcher, May 6, Bishop Auckland. *Off. Ass. Trotter; Sol. Thornton, Bishop Auckland.*—*Pet. f. April 15.*

**COOPER, RICHARD FREDERICK**, Birmingham, tool maker, May 11, Birmingham. *Off. Ass. Guest; Sol. Powell & Co., Birmingham.*—*Pet. f. April 17.*

**CORRETT, HENRY**, Harborne, Staffordshire, charcoal dealer, May 11, Birmingham. *Off. Ass. Guest; Sol. Smith, Birmingham.*—*Pet. f. April 16.*

**DORRINGTON, ROBERT ALFRED**, Southport, Lancashire, woollen merchant, May 7, Liverpool. *Off. Ass. Morgan; Sol. Keightley & Co., Liverpool.*—*Pet. f. April 20.*

**DOWN, EDWARD**, Manchester, May 4, Manchester. *Off. Ass. Kay; Sol. Gardner, Manchester.*—*Pet. f. March 31.*

**FAY, MICHAEL**, Liverpool, cab proprietor, May 5, Liverpool. *Off. Ass. Morgan.*—*Adj. April 16.*

**FISK, WILLIAM**, Ipswich, innkeeper, April 30, Ipswich. *Off. Ass. Pretymann; Sol. Moore, Ipswich.*—*Pet. f. April 15.*

**FRANCE, JOHN**, Slaithwaite, Yorkshire, grocer, May 7, Huddersfield. *Off. Ass. Jones; Sol. Sykes, Huddersfield.*—*Pet. f. April 16.*

**GLENHILL, CHRISTOPHER**, Parkgate, near Huddersfield, tailor, May 7, Huddersfield. *Off. Ass. Jones; Sol. Haigh, Huddersfield.*—*Adj. April 15.*

**GLOVE, ROBERT**, Penryn, Cornwall, accountant, May 6, Exeter. *Off. Ass. Hirtzel; Sol. Flood, Exeter.*—*Pet. f. April 18.*

**GRANGER, THOMAS**, Hartlepool, Durham, manufacturer of soda water, May 7, Newcastle-upon-Tyne. *Off. Ass. Baker; Sol. Brignal, Durham.*—*Pet. f. March 26.*

**GRAY, JOHN**, Upper Kirby-le-Soken, Essex, farm labourer, May 5, Harwich. *Off. Ass. Chapman; Sol. Whitcombe, Colchester.*—*Pet. f. March 16.*

**HARMAN, WILLIAM**, Macclesfield, Cheshire, silk manufacturer, May 4, Manchester. *Off. Ass. Herniman; Sol. Higson & Co., Manchester.*—*Pet. f. April 16.*

**HAWKINS, HENRY**, Bristol, licensed victualler, May 1, Bristol. *Off. Ass. Harley; Sol. Shipton.*—*Pet. f. April 14.*

**HAWKINS, WILLIAM HENRY**, Aylesbury, Buckinghamshire, grocer, May 4, Aylesbury. *Off. Ass. Watson; Sol. Parrot, Aylesbury.*—*Pet. f. April 13.*

**HAYES, JOHN MURRAY**, Gillingham, Kent, bricklayer, May 5, Rochester. *Off. Ass. Acworth; Sol. Hayward, Rochester.*—*Pet. f. April 17.*

**HEYES, GEORGE**, Manchester, plumber, May 18, Manchester. *Off. Ass. Kay; Sol. Allwood, Manchester.*—*Pet. f. April 18.*

**HOMFRAY, SAMUEL GEORGE**, Loughor, and Swansea, Glamorganshire, coal shipper, May 1, Bristol. *Off. Ass. Acraman; Sol. Davis, Newport; Abbot & Co., Bristol.*—*Pet. f. April 16.*

**HUTCHISON, GEORGE**, Newcastle-upon-Tyne, grocer, May 5, Newcastle-upon-Tyne. *Off. Ass. Baker; Sol. Hodge & Co., Newcastle-upon-Tyne.*—*Pet. f. April 16.*

**JACKSON, FREDERICK**, Aspley Guise, Bedfordshire, builder, May 11, Leighton Buzzard. *Off. Ass. Kipling; Sol. Conquest, Bedford.*—*Pet. f. April 17.*

**JACKSON, THOMAS**, Saddleworth, Yorkshire, provision dealer, May 12, Saddleworth. *Off. Ass. Summerscales; Sol. Rawlinson, Manchester.*—*Pet. f. April 14.*

**KNOWLES, GEORGE**, Brampton, near Chesterfield, Derbyshire, earthenware manufacturer, May 9, Sheffield. *Off. Ass. Young; Sol. Fretson, Sheffield.*—*Pet. f. April 17.*

**LOWE, WILLIAM**, Derby, out of business, May 5, Derby. *Off. Ass. Waller; Sol. Leech, Derby.*—*Adj. April 15.*

**MALCOLM, FREDERICK**, Stoke-upon-Trent, Staffordshire, earthenware manufacturer, May 6, Stoke-upon-Trent. *Off. Ass. Whitmore; Sol. Smith, Birmingham.*—*Pet. f. April 17.*

**MARTIN, WILLIAM**, Ratcliffe-upon-Trent, Nottinghamshire, surgeon, May 5, Nottingham. *Off. Ass. Harris; Sol. Buttery, Nottingham.*—*Pet. f. April 17.*

**MURDOCH, MOSES**, Halifax, Yorkshire, joiner, May 6, Rochdale. *Off. Ass. Woods; Sol. Hill, Bradford.*—*Pet. f. April 13.*

**NASH, CHARLES**, Liverpool, boot dealer, May 5, Liverpool. *Off. Ass. Morgan; Sol. Plummer, Bristol; Evans & Co., Liverpool.*—*Pet. f. April 13.*

**NICKOLLS, ANN**, Bath, Somersetshire, licensed victualler, May 1, Bristol. *Off. Ass. Miller; Sol. Wilton, Bath; Henderson, Bristol.*—*Pet. f. April 17.*

**PAYNE, HENRY**, Weston-super-Mare, Somersetshire, coal merchant, May 6, Weston-super-Mare. *Off. Ass. Davies; Sol. Smith & Co.*—*Adj. April 9.*

**PRIENTLEY, NANCY**, Allerton, near Bradford, Yorkshire, innkeeper, May 7, Bradford. *Off. Ass. Robinson; Sol. Haigh, Huddersfield.*—*Adj. April 14.*

**REES, WARRIET**, Merthyr Tydfil, Glamorganshire, grocer, May 1, Bristol. *Off. Ass. Miller; Sol. Simons & Co., Merthyr Tydfil; Henderson, Bristol.*—*Pet. f. April 11.*

**REID, ROBERT**, Liverpool, licensed victualler, May 5, Liverpool. *Off. Ass. Turner.*—*Adj. April 16.*

**RENNICK, JOHN**, Berwick-upon-Tweed, out of business, May 5, Newcastle-upon-Tyne. *Off. Ass. Baker; Sol. Beckington, Newcastle-upon-Tyne.*—*Pet. f. April 16.*

**ROBERTS, EDWIN**, Whitchurch, Shropshire, lime merchant, May 4, Birmingham. *Off. Ass. Kinneer; Sol. Clay, Whitchurch; Hodgson & Co., Birmingham.*—*Pet. f. April 16.*

**ROBINSON, JOHN**, Hulme, Lancashire, builder, May 9, Salford. *Off. Ass. Hulton; Sol. Eltoft, Manchester.*—*Pet. f. April 17.*

**SENIOR, JESS**, Kirkburton, Yorkshire, licensed victualler, May 7, Huddersfield. *Off. Ass. Jones; Sol. Freeman, Huddersfield.*—*Pet. f. April 17.*

**FITTON, JOHN HENRY**, Everton, near Liverpool, out of business, May 18, Manchester. *Off. Ass. Kay; Sol. Thornley, Everton.*—*Pet. f. April 18.*

**SHEATE, JOHN**, Corcombe, near Cattistock, Dorsetshire, foreman to a miller, May 2, Crewkerne. *Off. Ass. Sparks & Co., Marshall, 12, Hatton-garden.*—*Pet. f. April 17.*

**TAYLER, EDMUND**, Rowbarton, near Taunton, Somersetshire, in no business, April 27, Wellington. *Off. Ass. Burridge; Sol. Taunton, Taunton.*—*Pet. f. April 14.*



WILSON, HENRY COVENTRY, Manchester, May 4, Manchester. Off. Ass. Kay: Sol. Gardner, Manchester.—Pet. f. March 31.  
WADE, THOMAS, Leeds, commission agent, May 4, Leeds. Off. Ass. Carrick.—Adj. April 14.  
WARREN, JAMES, South Benham, Somersetshire, farmer, May 4, Wincanton. Off. Ass. Messiter; Sol. Balch, Bruton.—Pet. f. April 18.  
WREDDON, THOMAS, Chalfont Saint Giles, Buckinghamshire, out of business, May 6, Chesham. Off. Ass. Francis; Sol. Mundy, 6, Essex, Strand.—Pet. f. April 15.  
WHITAKER, JEREMIAH RIDGE, Bradford, Yorkshire, tailor, May 7, Bradford. Off. Ass. Robinson; Sol. Cater, Bradford.—Pet. f. April 17.  
WOOLSTENCROFT, JOHN, Burslem, Staffordshire, chemist, May 8, Birmingham. Off. Ass. Whitmore; Sols. Whitehouse, Wolverhampton; James & Co., Birmingham.—Pet. f. April 10.

#### BANKRUPTCY ANNULLED.

STRINGER, JOHN, Kingston-upon-Hull, draper.

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FRANK EASUM, Secretary.

## GAZETTES.—FRIDAY, April 24.

## BANKRUPTS.

*To be heard in London.*

ALLCOCK, JOSEPH, Shoreham, near Sevenoaks, Kent, contractor, May 7. Off. Ass. Graham; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. April 22.

ARUNDEL, RUBEN JOHN, Surrey-place, Old Kent-road, assistant to a draper, May 5. Off. Ass. Edwards; Sol. Peverly, 19, Coleman-street.—Pet. f. April 22.

BADOW, LEWIS, Fashion-street, Spitalfields, trimming maker, May 12. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 22.

BARTHOLOMEW, JOHN STEPHENS, Aston Upthorp, near Wallingford, Berkshire, out of business, May 4. Off. Ass. Edwards; Sols. Richards & Co., 29, Lincoln's-inn-fields; Cave, Newbury, Berkshire.—Pet. f. April 21.

BLONDEAU, FERDINAND, Bushey, Hertfordshire, dealer in flour, May 12. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. April 18.

BONHAM, HENRY, Great Russell-street, Bloomsbury, out of business, May 5. Off. Ass. Stansfeld; Sol. Waldron, 59, Lamb's-conduit-street.—Pet. f. April 21.

BOUNFORD, RICHARD, Ranelagh-grove, Pimlico, mason, May 7. Off. Ass. Graham; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. April 22.

BOWDEN, WILLIAM RICHARDS, Oxford, bookseller, May 12. Off. Ass. Stansfeld; Sols. Sole & Co., 68, Aldermanbury; Mallam & Co., Oxford.—Pet. f. April 20.

CLARK, RICHARD, Basinghall-street, umbrella manufacturer, May 12. Off. Ass. Stansfeld; Sol. Reed, 3, Gresham-street.—Pet. f. April 20.

CONRATH, PHILIP HENRY, Harwood-street, Camden-town, baker, May 7. Off. Ass. Graham; Sol. Munday, 6, Essex-street, Strand.—Pet. f. April 23.

DABORN, GEORGE (and not DABORN, as previously advertised), Chobham, Surrey, farmer, May 4. Off. Ass. Edwards; Sols. Lawrance & Co., 14, Old Jewry-chambers; Lovett, Guildford.—Pet. f. April 13.

DALE, EDWARD HENRY, Folkestone, Kent, tailor, May 7. Off. Ass. Graham; Sol. Reed, 3, Gresham-street.—Pet. f. April 15.

FARNELL, JOSEPH KIRBY, St. Agnes-villas, Shepherd's-bush, and New Oxford-street, keeper of a registry office for servants, May 9. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 23.

FITZ, JOHN, Deptford, Kent, marine-store dealer, May 5. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. April 17.

FOX, JOEL, Lewis-cottage, Lewis-street, Kentish-town, and Norwich, Norfolk, furrier, May 5. Off. Ass. Stansfeld; Sol. Murray, Great St. Helen's.—Pet. f. April 21.

GIBBONS, HENRY, Beckenham, Kent, of no occupation, May 7. Off. Ass. Graham; Sols. Dynes & Co., 61, Lincoln's-inn-fields; Drummonds & Co., Croydon.—Pet. f. April 21.

GIBSON, ROBERT, Mina-road, Old Kent-road, and Banner-street, Saint Luke's, licensed victualler, May 9. Off. Ass. Stansfeld; Sol. Pook, 27, Basinghall-street.—Pet. f. April 22.

GILLARD, WILLIAM, Finsbury-place South, drysalter, May 5. Off. Ass. Stansfeld; Sol. Parke, 37, Moorgate-street.—Pet. f. April 22.

HALLONS, WILLIAM GUYON, Sudeley-street, Islington, out of business, May 9. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 21.

HARRAL, CHARLES, Bedford-terrace, Andover-road, Holloway, builder, May 4. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. April 18.

HOLDING, MARY ANN ROSINA, Grove-end-road, St. John's-wood, lodging-house keeper, May 9. Off. Ass. Stansfeld; Sols. Forbes & Co., 8, Warrford-court.—Pet. f. April 23.

JONES, JOHN, St. George's-square, Pimlico, wine merchant, May 4. Off. Ass. Edwards; Sol. Medcalf, 9, Tokenhouse-yard.—Pet. f. April 18.

KEATES, HUGH, King's-road, Agar-town, and Upper James-street, Camden-town, St. Pancras, carman, May 12. Off. Ass. Cannan; Sol. Medina, 9, St. Benet's-place, Gracechurch-street.—Pet. f. April 22.

LEVENS, CHARLES, Plaistow, Essex, baker, May 4. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 15.

MAJOR, GEORGE WILLIAM, Portland-terrace, Westmorland-road, Walworth, printer, May 5. Off. Ass. Cannan; Sol. Wyatt, 30, Clement's-lane, Lombard-street.—Pet. f. April 22.

MINISTER, JAMES, Xaxley, Suffolk, miller, May 5. Off. Ass. Edwards; Sols. Doyle, 2, Verulam-buildings, Gray's-inn; Sadd, Norwich.—Pet. f. April 22.

PALLASS, HENRY, Pickard-street, City-road, importer of fancy leather goods, May 4. Off. Ass. Graham; Sol. Drew, 4, New Basinghall-street.—Pet. f. April 17.

PAYNE, JOHN, Ealing, Middlesex, boot manufacturer, May 11. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 20.

PEARSON, THOMAS, Mileham, Norfolk, bricklayer, May 12. Off. Ass. Cannan; Sols. Doyle, 2, Verulam-buildings, Gray's-inn; Drake, East Dereham.—Pet. f. April 20.

PRESS, JOSEPH PHILIP, Deptford, Kent, assistant warehouseman, May 4. Off. Ass. Edwards; Sol. Buchanan, 15, Basinghall-street.—Pet. f. April 18.

PRICE, THOMAS, Bedfordbury, Covent-garden, house agent, May 4. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 18.

RAPER, JOHN, Castle-street, St. Martin's-lane, provision dealer, May 12. Off. Ass. Cannan; Sol. Drake, 13, Gresham-street.—Pet. f. April 21.

SCHOLZ, HENRY, High-street, Shadwell, greengrocer, May 12. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. April 18.

SISNEY, JOHN BATHES, Middlesex-street, Whitechapel, baker, May 4. Off. Ass. Stansfeld; Sol. Poole, 58, Bartholomew-close.—Pet. f. April 18.

TAPP, JOHN, Lewisham, Kent, gardener, May 4. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. April 17.

TOLFREE, JOSEPH, Grove-cottages, Westfield-road, Surbiton, carpenter, May 12. Off. Ass. Cannan; Sol. Cooper, 9, Charing-cross.—Pet. f. April 21.

TRINSEHAM, JOHN, Canterbury-terrace, Beresford-street, Walbrook, out of business, May 4. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 20.

WILLIAMS, HENRY THOMAS, North Keppel-mews, Russell-square, builder, May 4. Off. Ass. Graham; Sol. Evans, 10, John-street, Bedford-row.—Pet. f. April 17.

WITHERSPON, JOHN, Woolwich, greengrocer, May 12. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. April 17.

*To be heard in the Country.*

BEECH, HENRY, Congleton, Cheshire, victualler, May 2, Congleton. Off. Ass. Latham; Sol. Washington.—Pet. f. April 20.

BESSON, JOHN BUXTON, Nottingham, bookkeeper, May 27, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Pet. f. April 22.

BOARD, CHARLES, Bristol, accountant, May 8, Bristol. Off. Ass. Acraman; Sols. Brittan & Co., Bristol.—Pet. f. April 20.

BURROWS, JOHN, Habergham Eaves, Lancashire, grocer, May 7, Burnley. Off. Ass. Hartley; Sol. Hartley, Burnley.—Pet. f. April 20.

CARNDUFF, JOHN, Birmingham, tailor, May 11, Birmingham. Off. Ass. Guest; Sol. Sargent, Birmingham.—Pet. f. April 20.

COOK, JOSEPH, Walsall, Staffordshire, in no business, May 6, Walsall. Off. Ass. Clarke; Sol. Brevitt, Darlington.

COX, GEORGE, Leeds, out of business, May 7, Leeds. Off. Ass. Young; Sol. Naylor, Leeds.—Pet. f. April 21.

CROSS, WILLIAM, Nuneaton, farm bailiff, May 22, Nuneaton. Off. Ass. Dewes; Sol. Estlin, Nuneaton.—Pet. f. April 22.

CRUNDALL, DANIEL, Ludlow, April 28, Ludlow. Off. Ass. Williams.—Pet. f. April 13.

CURTIN, JOSEPH, Birkenhead, Cheshire, clerk in an insurance company's office, May 11, Liverpool. Off. Ass. Morgan; Sol. Morris, Liverpool.—Pet. f. April 23.

DEALEY, GEORGE, Manchester, bootmaker, May 9, Salford. Off. Ass. Hulton; Sol. Andrew, Manchester.—Pet. f. April 20.

DODD, BENJAMIN, Wellington, Shropshire, in no occupation, May 8, Wellington. Off. Ass. Newell; Sol. Taylor, Wellington.—Pet. f. April 8.

FAYARETTI, ANTONIO, Cardiff, Glamorganshire, ship broker, May 5, Cardiff. Off. Ass. Langley; Sol. Wilcocks, Cardiff.—Pet. f. April 21.

FIELDS, WOOLLEY JOLLENS, Wednesbury, Staffordshire, foreman to a tailor, May 6, Walsall. Off. Ass. Clarke; Sol. Sheldon, Wednesbury.—Pet. f. April 20.

FORRESTER, JOSEPH, Wolverhampton, Staffordshire, commission agent, May 15, Birmingham. Off. Ass. Kinnear; Sols. Turner, Wolverhampton; Hodgson & Co., Birmingham.—Pet. f. April 20.

GABBETT, JOHN, Bilston, Staffordshire, builder, May 4, Wolverhampton. Off. Ass. Brown; Sol. Bartlett, Wolverhampton.

GOOD, GEORGE FREDERICK, Merriott, Somersetshire, out of business, May 8, Exeter. Off. Ass. Hirtzel; Sols. Jolliffe, Crewkerne; Flood, Exeter.—Pet. f. April 22.

GROVES, JACOB, Willenhall, Staffordshire, rim-lock maker, May 4, Wolverhampton. Off. Ass. Brown; Sol. Slater, Darlington.

HACKWOOD, SAMUEL, Wednesbury, Staffordshire, broker, May 6, Walsall. Off. Ass. Clarke; Sol. Sheldon, Wednesbury.—Pet. f. April 20.

HORLOCK, EDWARD, Hampreston, Dorsetshire, carpenter, May 15, Wimborne Minster. Off. Ass. Rawlins; Sol. Tanner, Wimborne Minster.—Pet. f. April 18.

HUGHES, CHARLES FREDERICK, West Bromwich, Staffordshire, gun engineer, May 4, West Bromwich. Off. Ass. Watson; Sol. Hayes, Wolverhampton.—Adj. April 10.

INSON, SARAH, King's Lynn, Norfolk, butcher, May 11, King's Lynn. Off. Ass. Wilson; Sol. Wilkin, King's Lynn.—Pet. f. April 22.

JEAVONS, JAMES, Wolverhampton, Staffordshire, dealer in skins, May 4, Wolverhampton; Off. Ass. Brown; Sol. Walker, Wolverhampton.

JOHN, LEWIS, Fentyrch, Glamorganshire, grocer, May 8, Bristol. Off. Ass. Acraman; Sols. Davis, Cardiff; Bevan & Co., Bristol.—Pet. f. April 21.

JONES, EDWARD, Bristol, commission agent, May 8, Bristol. Off. Ass. Acraman; Sol. Benson, Bristol.—Pet. f. April 21.

LARGER, GEORGE, Christchurch, Hampshire, tailor, May 6, Christchurch. Off. Ass. Druitt; Sol. Mackey, Southampton.—Pet. f. April 20.

LAW, JAMES, Wolverhampton, Staffordshire, file cutter, May 4, Wolverhampton. Off. Ass. Brown; Sol. Thurstan, Wolverhampton.

LAWLEY, THOMAS, Wolverhampton, Staffordshire, labourer, May 4, Wolverhampton. Off. Ass. Brown; Sol. Walker, Wolverhampton.

LETHELAND, CHARLES, Wolverhampton, Staffordshire, greengrocer, May 4, Wolverhampton. Off. Ass. Brown; Sol. Langman, Wolverhampton.

LEWIS, THOMAS PHILIP, Manchester, licensed victualler, May 22, Manchester. Off. Ass. Pott; Sol. Gardner, Manchester.—Adj. March 18.

LIVDALEY, JOSEPH, Hamstall Bldware, Staffordshire, butcher, May 6, Rugeley. Off. Ass. Gardner; Sol. Palmer, Rugeley.—Pet. f. April 21.

LYNAS, THOMAS, Sadberge, Durham, farm, servant, May 6, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. April 20.

M'HUGH, ANDREW, North Shields, Northumberland, grocer, May 1, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.—Adj. April 15.

MARSHALL, SAMUEL, Somercoates, Derbyshire, beer-house keeper, May 13, Alfreton. Off. Ass. Hubberty; Sol. Smith, Nottingham.—Pet. f. April 15.

[For continuation of Gazette, see p. 162, col. 2.]

CONTENTS.

London Gazette.....	158
Leading Article .....	159
Vice-Chancellor Stuart's Court.....	160
Review .....	161
New Trials moved in Easter Term .....	162
Books Received .....	163

NAMES OF THE CASES REPORTED.

PRIVY COUNCIL.

By R. BULLOCK, Barrister at Law.

<i>In re Norton's Patent, Ex parte Salt.</i> —(Patent—Prolongation—Original inventor—Assignee—Grounds on which an extension of the term of a patent will be granted) .....	419
--	-----

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Auster v. Powell.</i> —(Will, construction of—Hotch-pot clause—Advancement—Bankruptcy) .....	421
<i>Farrant v. Blanchford.</i> —(Trustee—Breach of trust—Release—Lapse of time) .....	423

COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

<i>Selby v. Bowle.</i> —(Improvident sale by executors—Pleading—Wilful default) .....	425
---	-----

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

<i>Meymott v. Meymott.</i> —(Partnership—Monies overdrawn—Interest) .....	426
<i>Paliret v. Carrow.</i> —(Trustee and cestui que trust—Refusal of trustee to perform trusts—Removal—Costs) .....	426
<i>Bush v. Cowan.</i> —(Power of appointment—Will—Contrary intention) .....	429

VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

<i>In re Crosse.</i> —(Will—Bequest to surviving children—Vesting) .....	429
<i>Firth v. Bush.</i> —(Practice—Substituted service) ....	431

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

<i>Nash v. Browne.</i> —(Vendor and purchaser—Contract, construction of—Heirship, admission of—Pedigree—Specific performance) .....	431
---	-----

<i>Selby v. Bowle and Others.</i> —(Administration suit—Trust for sale of business—Sale against wishes of residuary legatee confirmed—Alleged undervalue—Costs) .....	432
<i>Biddulph v. The Vestry of St. George's, Hanover-square.</i> —(Urinal, erection of—Metropolis Local Management Act, powers of vestry under—Injunction) .....	434

VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

<i>Arnold v. Thomson.</i> —(Practice—Dismissal for want of prosecution—Proceeding at law) .....	436
<i>The Catholic Printing and Publishing Company (Limited) v. Wyman.</i> —(Practice—Decrees and orders—Entering affidavits as read) .....	436

COURT OF QUEEN'S BENCH.

By C. W. LOVETT, Barrister at Law.

<i>Reg. v. The Inhabitants of St. Clement Danes.</i> —(Settlement by birth—Union workhouse situate in a parish not belonging to the union—Removability of child within age of nurture—54 Geo. 3, c. 170, s. 3—7 & 8 Vict. c. 101, s. 56) .....	437
<i>Reg. v. Wilson and Another.</i> —(Copyhold—Devise—Executors, powers of, to sell and convey—Admittance of purchaser) .....	439

COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

<i>Betteley v. Stainsby.</i> —(Bankruptcy—12 & 13 Vict. c. 106, s. 165—Covenant to sell out and replace stock—Indemnifying against calls on shares—What proveable in bankruptcy as a "demand"—Damages) .....	440
<i>Trotter, App., Trevor, Resp.</i> —(Borough voter—Receiving alms—2 Will. 4, c. 45, s. 36) .....	443

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

<i>Day v. Bather.</i> —(Innkeeper's liability—Injury to horses) .....	444
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COURT OF ADMIRALTY.

By W. ERNEST BROWNING, Barrister at Law.

<i>The Hamburg.</i> —(Lex loci contractus—Notice to owners of cargo—The Bonaparte) .....	445
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THE JURIST.

LONDON, MAY 2, 1863.

THE Law Amendment Society has undertaken a task, for which it deserves the thanks of the Profession;—reform of the reports, and the reporting system. At a meeting of the society, held on the 2nd March, it was agreed to refer the whole reporting question to a committee (ante p. 118); and at a subsequent meeting power was conferred on them to bring the subject to the notice of the Government (ante p. 154). In pursuance of these resolutions, a deputation of the society recently waited on the Lord Chancellor. The deputation referred to the reports of the special committee of the society; the resolutions which had been adopted at their general meetings in favour of reducing the present reports into some systematic order, and of adopting in future a better plan of reporting the decisions of the Courts of common law and equity. His Lordship in reply adverted to the great difficulties in which the subject was involved,

the conflicting interests which had to be conciliated, the schemes which had been propounded, and the general working of the present system. His Lordship stated that the subject was so important, and surrounded with so many difficulties, that he should consider the interview as preliminary, and that upon some future occasion he would receive the deputation again.

We shall anxiously watch any further steps that may be taken in this matter; for while the evil to be met is great, it is not easy to point out a safe and sufficient remedy. So far as relates to the body of reports already in existence, the question is only a branch of the far more general one, codification or consolidation of the law. With respect to the future, it has often been suggested that the proper remedy would be, that the Courts should appoint certain persons to furnish authentic reports of their proceedings, and prohibit the citation of or reference to any others. A project of this kind, put forward in the *Law Magazine* about twenty years ago, went a step farther, and proposed, that the judges should point out to the reporters beforehand what cases, and parts of cases, were

fit to be reported. On this being brought forward, Lord Denman alluded to it from the bench, stating that the judges had a sufficient amount of labour and responsibility already, without imposing on them an additional duty of this nature. All such projects are, however, open to still greater objections on constitutional grounds; for the effect of them would be, to arm the judges with the means of suppressing at pleasure the report of any decision, sound or unsound. But although they could suppress the report, they could not suppress the memories of those who heard the decision. Judges are bound by previous *decisions*, not by the *reports* of them; and the suppression of reports would have the effect of substituting the testimony of slippery memory, as to those decisions, for the deliberate written testimony of persons who have heard them.

One very prevalent, but very erroneous, notion on this subject is, the supposed excellence of the ancient reports, and supposed degeneracy of the modern ones. Any person who will examine for himself will soon become satisfied of the unfounded character of this. The earlier Year Books seem well reported, but then it must be remembered that we have no cotemporary reports, and scarcely any other means, to corroborate or check them. After the discontinuance of the Year Books, the system of reporting fell into private hands, and the value of the different reports varies almost ad infinitum; besides which it is important to remember that many of those reports were only drawn up by judges or counsel for their own guidance in practice, and with little or no view to other publicity. But rash and ignorant, indeed, is the attempt to affix the stamp of infallibility on any of them. Take, for instance, the case of *Webb v. Paternoster*, which is reported in five different books (Palm. 71; Roll. 143, 152; Noy, 98; Popham, 151; and Godbolt, 282), the discrepancies in which caused no small embarrassment to the Court of Exchequer in *Wood v. Leadbitter* (19 M. & W. 838). Even the reports of Sir E. Coke are not beyond impeachment: the observations that have been made on *Chudleigh's case* (1 Rep. 113 b.) are well known; and the accuracy of the report of the second resolution in *Spencer's case* (5 Rep. 16 b.) seems very questionable. (See *Minshull v. Oakes*, 2 H. & Norm. 793; 4 Jur., N. S., part 1, p. 169). The comparative value of the different reports is a subject on which a volume might be written.

Numerous are the charges brought against our modern reporters, some well founded, and others groundless. Extreme prolixity in setting out the facts of the cases reported, the reporting numbers of cases which are thoroughly useless, as neither establishing any new proposition, nor confirming any doubtful point, nor illustrating any matter requiring illustration. It must, indeed, be admitted that many of the cases in our modern books,—especially those relating to the construction of wills, the Statute of Frauds, and the admissibility of extrinsic evidence to explain written documents;—might be erased from them with the most perfect safety. But it may fairly be questioned whether the undue number of our reporters at the present day, or the excessive number of cases reported by

them, is chargeable *solely* to the reporters. We believe that one great source of the evil will be found in the style of discussion now adopted. Lord Coke correctly says (4 Rep. 94 a.), that the party who would have the benefit of precedents must search for them, for the Court will not search for them; and if no precedents, or no sufficient precedents, are adduced, the Court will give judgment according to law and reason. A contrary course seems pursued among us. Cases are rarely discussed on principle, and the efforts of Court and counsel seem directed almost exclusively to finding out some authority, or semblance of authority, bearing on the question: for which purpose the loosest dicta of judges;—dicta which ought never to have been reported, either as being ill considered in themselves, or inconsistent with principle, or, if true, are only so when taken with their context;—are seized on with avidity, and too often form the foundation of decisions. Of course, if counsel choose so to argue, and the bench choose so to decide, it is not for us to complain; but it is unjust to cast blame on the reporters for doing that which they are encouraged, and even incited to do.

#### VICE-CHANCELLOR STUART'S COURT.

SIR J. STUART, V. C., shortly after the sitting of the Court, addressing Mr. Bacon, said—There are very extraordinary frauds in the course of perpetration now, of a kind unheard of, so far as I am aware. A man, who signs his name as “Ashley Cooper,” goes about serving notices upon poor people in the country, purporting to be made under decrees of this Court. He charges 6s. 8d., and threatens such people with loss of their property if they do not appear. I hold one of these notices in my hand at this moment. It is as follows:—

“In Chancery.—*In re Moore*, Defendant.

“No. 43, 1863.—In the matter of Francis Anthony Moore, who died in London on or about the 31st day of January, 1845.

“Lincoln's inn.

“Let the heir-at-law or next of kin, or any one claiming relationship with the said Mr. Moore, deceased, file his, her, or their claim forthwith, at the chambers of the Masters of the Rolls, at the Rolls' yard, Chancery-lane, Middlesex, or, in default thereof, they will be peremptorily excluded from the benefit of the said decree. Thursday, the 16th day of April, 1863, at twelve o'clock at noon, is appointed for hearing and adjudication upon the claim.—Dated the 20th of March, 1863.

“9000Z. “Sir JOHN STUART, Vice-Chancellor.

“12, Old-square.”

The above was indorsed as follows:—

“This notice of claim was served by me on Mr. John Moore in person, this 11th day of April, in the year of our Lord 1863.

“Office fees, 6s. 8d.

“ASHLEY COOPER.

“Received, Ashley Cooper, April 11, 1863.”

The address given by the person serving this paper was Kew-green, Surrey. There are many letters which come addressed, some to my chief clerks and others to myself, making inquiries in consequence of the notices which have been served upon the writers. I have no power in the matter, and I do not know what I can do to prevent money being extracted from people in the manner I have stated. To a person who is not illiterate, the notice which I have read is nonsense.

upon the face of it, because I am thereby made to order somebody to appear before the Master of the Rolls. The notices, however, seem to have been sufficient to have extracted 6s. 8d. from a number of people. Although I have no means of preventing such a fraud as that of which I am speaking, it is right that people should be put upon their guard.

[The law is not powerless in this matter. The conduct of Mr. Ashley Cooper looks very like a contempt of the Court of Chancery; and not only could any money paid under the circumstances here stated be recovered back, but the transaction would support an indictment for obtaining money under false pretences. Still, the possibility of Mr. Ashley Cooper's disappearance with the money obtained by him renders the above notice of the matter by Vice-Chancellor Stuart, very salutary, in order to put the public on their guard against similar frauds.—ED.]

### REMARKS.

*Notanda on Law, Equity, Bankruptcy, Admiralty, Divorce, and Probate Cases.* By TENISON EDWARDS, Esq., of the Inner Temple, Barrister-at-Law. No. 1, 8co., pp. 8. [Day.]

"How shall we note up our books?" If the reports were kept within bounds, the answer would be, "As our forefathers did." The method of our forefathers has long ceased to be possible. But if the plague of reports is increasing, the impatience of its victims is also increasing; and in that impatience and the judicial blindness of the reporter class we see a broad ray of hope for speedy deliverance. On the first page of the publication now before us is an advertisement of "The Weekly Reporter," with the audacious boast, that "upwards of 600 cases have already been published in the twenty-two numbers of the current volume (XI) of 'The Weekly Reporter'!" Whither do these gentlemen expect to go, or rather to be sent by an exasperated bar? How is it that Mr. Scott has so long escaped the retribution due to him, and still survives in his 51st volume? During the present year he has published four parts (each at half-a-guinea) of stuff that, instead of being stored up in our libraries, ought to be spurned with contempt.

Relief must be near. In the meantime Mr. Edwards offers us a palliative, and a very efficient one, the nature of which cannot be better explained than in his own words:—

"The question is: How can the practitioner with the greatest facility make himself acquainted with the latest decisions upon any given subject? And my reply is: By looking, not through a dozen annual digests, but by looking to the standard text-books, such as Sugden's Vendors and Purchasers, Williams on Executors, Jarman on Wills, &c.; and there, in juxtaposition with the topics treated of, and on the very page where the author in his next edition would introduce the modern decisions, to find clear and intelligible notes of such decisions as have been come to upon the particular topic since the edition of the work. Or, if the question turn upon the construction of a statute, to turn to the section of that statute, and there to find like clear and intelligible notes of such decisions upon that particular section. I have explained my plan in answering the above question, and I have no fear of a contradiction from any practical man.

"A little further development, and I have stated my plan. I read every judicial decision of the Queen's

Courts in England and Ireland reported in the authorised and unauthorised reports, and I make from them, or such of them as are of any value, notes of the result of the decisions in the shortest, most pithy, and suggestive language that I can select; such, in fact, as I should write into my own text-books or statutes. I head the note, in the case of the construction of a statute, with the statute and the section; and in the case of it not being upon the construction of a statute, I head it with a standard text-book upon the particular subject, with the paging or other reference, such as part, chapter, and section, where the note should be placed; and, lest the edition of that book in the subscriber's library should not be the same as that from which I take my reference, I will also say, 'citing such and such a leading case,' by which means the proper reference may easily be found out by the table of cases in the text-book, and the leading case referred to may also have a note placed in its margin, if the subscriber should have a library of reports.

"These little notes are printed in very clear type, on one side only of the paper, and are intended to be severed from each other, and placed, by means of paste or gum, according to the reference at the head of each note. There are four modes in which these notes may be used. They may be affixed to the page of the book referred to, they may be copied by the clerk into the page of the book, they may be affixed to a blank page inserted in the text-book, or they may be numbered and inserted on blank sheets at the end of the book, placing a reference by its number at the page or place referred to. I take it that if a man has in his library the practical statutes of the present and last reigns, together with a dozen, or even less, of the standard text-books of the day, and that he places, or causes to be placed, these little notes where directed, he can at once lay his hands upon nine-tenths of all the modern cases, and indeed upon all the cases of ordinary practical utility. It is to be remembered that even should the subscriber not have the text-book to which I refer, yet if he have one on the same subject he may generally find the proper place in his own text-book by the topic, and the leading case cited in my text-book. I will carefully select such text-books for my references as I find best arranged as to matter and index. And having so done I will invariably refer to them, unless in exceptional cases; but should I refer to a text-book other than my regular one, I will also give a reference to my regular text-book."

A single extract from the "Notanda" will be sufficient to shew how this plan is carried out:—

"3 & 4 Will. 4, c. 42, s. 39; Russ. on Arbitration, part 2, c. 3, s. 3, p. 154.—The court or judge ought, on application for that purpose, to revoke a reference to arbitration, when they see that the arbitrator is about to commit an error in law; as, for instance, where he has rejected evidence that ought to be admitted. *Is re an Arbitration, Hart v. Duke*, Q. B., 21/11/62; 32 L. J., N. S., 55."

Thirty or forty of these notelets might, if necessary, be placed opposite to a single page of a text-book, by gumming them successively to the back edge of the inner margin, and to each other, still leaving the margin of the book available for written notes.

Further explanation, and answers to some objections, will be found in the introductory remarks. We are sure that the undertaking will be warmly welcomed by every working barrister and every reading attorney, and we heartily wish it success; indeed, all who aim at being lawyers in reality, as well as in name, have a direct personal interest in it.

We may add, that "the subscription to 'Notanda' will be 12s. 6d. per annum, postage free. Adhesive copies will be 2s. 6d. per year extra." The publisher

\* Commencing with 1 Moo. & Sc., 1853.

proposes "ten or possibly twelve issues in the year, each of eight pages, containing in the year's issue from about 3000 to 4000 notes."

It would be well if the new statutes, as well as the decisions, were included in the publication.

## NEW TRIALS MOVED IN EASTER TERM.

### QUEEN'S BENCH.

Midd.—Francis v. Brown	Liverp.—Carr v. Royal Exchange Insurance Co.
—Granville v. Hayward	—Carr v. Montefiore
Lond.—Hurrell v. Bullard	—Ross v. Cox
—Adams v. Graham	—Walker v. Hutchinson
—Same v. Same	—M'Mahon v. London and North-western Railw. Co.
—Fitch & an. v. St. George	—May v. M'Mahon
—Bulgin v. Frankenstein	Chester—Titherington v. Pen-son
Essex.—Knott v. Wilson	Devon.—Trood v. Balkwell
Kent.—Lister v. Hanson	Bristol—Biddulph v. Gould
Norfolk.—Coe v. Wise	—Same v. Same
Warwick.—Jervoise v. Bill	—Clark & an. v. Stark.
Durham.—Slater v. Mayor of Sunderland	
York.—Baines v. Swainson	
—Schofield v. Middlebrook	

### BOOKS RECEIVED.

The Transfer of Land and Declaration of Title Acts, 1862. Illustrated by the Practice and Decisions under the analogous Irish Acts. With Notes, General Orders, Forms, Fees, the Practical Directions of the Land Registry, and a full Index. By R. Denny Urline, of the Middle Temple, Barrister-at-Law, and Examiner of the Landed Estates Court, Ireland, and Thomas Key, of Lincoln's Inn, Barrister-at-Law. 12mo., pp. 329.—Maxwell; Sweet; and Stevens, Sons, & Haynes.

A Concise Treatise on the Construction of Wills. By Francis Vaughan Hawkins, M.A., of Lincoln's Inn, Barrister-at-Law, Fellow of Trinity College, Cambridge. 8vo., pp. 366.—Maxwell.

The Act to facilitate the Proof of Title to, and the Conveyance of, Real Estates. With Practical Notes. By Alexander Edward Miller, of Lincoln's Inn, Esq., Barrister-at-Law. To which is appended the Declaration of Title Act, 1862, and the General Rules and Orders. Post 8vo., pp. 133.—Solicitors' Journal Office.

The Solicitors' Journal Conveyancers' Stamp Duties. By Frederick Stroud, Author of "The County Court Practice in Bankruptcy," "The Practical Law of Bills of Sale," &c. Post 8vo., pp. 16.—Solicitors' Journal Office.

La Manere de Tenire Parlement. Memoir of the Treatise intitled "Modus Tenendi Parliamentum," with especial reference to the unique French version in possession of the Earl of Winchilsea. By Thomas Duffus Hardy, Deputy Keeper of Public Records. (Reprinted from the Archaeological Journal, vol. 19). Printed by Bradbury & Evans, for the Archaeological Institute, 26, Suffolk-street, Pall-mall East. 1862.

We understand that the report, to which we alluded in our last, of the retirement of Mr. Commissioner Fonblanque, is at least premature.

We have to announce the decease, at an advanced age, of C. T. Swanston, Esq., Q.C. Mr. Swanston was well known to the profession as compiler of the reports which bear his name.

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed Robert Handley, Gent., of Burnley, Lancashire, to be a Commissioner to administer oaths in the High Court of Chancery in England.

NANKIVELL, THOMAS, Illogan, Cornwall, grocer, May 6, Easter. Off. Ass. Hirtzel; Sols. Peter, Redruth; Pitts, Exeter.—Pet. f. April 17.

NEWBY, JOHN, Bishopwearmouth, Durham, merchant tailor, May 6, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. April 30.

PARTIDGE, JAMES, Sharnbrook, Bedfordshire, wheelwright, May 4, Bedford. Off. Ass. Hinrich; Sols. Conquest & Co., Bedford.—Pet. f. April 30.

PILL, PHILIP, Bristol, victualler, May 15, Bristol. Off. Ass. Harley; Sol. Thell.—Pet. f. April 21.

POWELL, REBE, Bridgend, Glamorganshire, victualler, May 8, Bristol. Off. Ass. Miller; Sols. Clifton & Co., Bristol.—Pet. f. April 30.

PRIESTLEY, THOMAS, Walsall, Staffordshire, out of business, May 6, Walsall. Off. Ass. Clarke; Sol. Brevitt, Darlaston.

PULLINGER, HENRY, Bishop's Waltham, Southampton, farmer, May 9, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. April 30.

READING, SAMUEL, Birmingham, hardwreman, May 15, Birmingham. Off. Ass. Kinnear; Sol. Duke, Birmingham.—Pet. f. April 23.

RICE, WILLIAM WRIGHT, Norwich, teacher of music, May 4, Norwich. Off. Ass. Palmer; Sol. Sudd, Norwich.—Pet. f. April 21.

RICE, FRANCIS, Sheffield, brick maker, May 8, Sheffield. Off. Ass. Waks; Sol. Broadbent, Sheffield.—Pet. f. April 22.

RILEY, EDWARD, Bradford, near Manchester, washing powder manufacturer, May 18, Manchester. Off. Ass. Kay; Sol. Bennett, Manchester.—Pet. f. April 22.

SANDS, JOSEPH, Sibsey, Lincolnshire, carpenter, May 2, Boston. Off. Ass. Staniland; Sol. York, Boston.—Pet. f. April 20.

SHAW, CHARLES, Bakewell, Derbyshire, saddler, May 9, Sheffield. Off. Ass. Young; Sols. Cuts, Chesterfield; Smith & Co., Sheffield.—Pet. f. April 22.

SPARKS, HENRY, Boxted, Essex, miller, May 9, Colchester. Off. Ass. Barnes; Sol. Jones, Colchester.—Pet. f. April 21.

STANFORD, JOHN, Hampton Lovett, Worcestershire, blacksmith, May 4, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. April 16.

SWIFT, GEORGE, Oldham, Lancashire, grocer, May 6, Manchester. Off. Ass. Horsman; Sols. Taylor, Oldham; Cobbett & Co., Manchester.—Pet. f. April 14.

TAY, THOMAS, Marden, Herefordshire, builder, May 15, Birmingham. Off. Ass. Kinnear; Sols. Lucking, Birmingham; Gwillim, Hereford.—Pet. f. April 21.

THORNE, FREDERICK JOSEPH, and THORNE, WALTER, Liverpool, tea dealers, May 7, Liverpool. Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. April 17.

TWATTE, WILLIAM, Redcar, Yorkshire, auctioneer, May 4, Stockton. Off. Ass. Crosby; Sol. Simpson, Yarm and Middlesbro'.—Pet. f. April 20.

VERNON, THOMAS WILLIAM, Smethwick, Staffordshire, ironmaster, May 25, Birmingham. Off. Ass. Whitmore; Sols. Collis & Co., Birmingham.—Pet. f. April 21.

WALKER, THOMAS, Low Harrogate, Yorkshire, out of business, May 6, Knaresborough. Off. Ass. Gill; Sol. Harle, Leeds.—Pet. f. April 17.

WATKINS, GEORGE, Brynmawr, Brecknockshire, haulier, May 9, Tredegar. Off. Ass. Shepard; Sol. Harris, Tredegar.—Pet. f. April 18.

WATSON, JAMES, Newcastle-upon-Tyne, chemist, May 7, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. April 20.

WATTS, CHARLES, Bath, Somersetshire, currier, May 8, Bristol. Off. Ass. Acraman; Sols. King & Co., Bristol.—Pet. f. April 22.

WILLIAMS, DAVID, Carmarthen, coachmaker, May 4, Carmarthen. Off. Ass. Lloyd; Sol. Jeffries, Carmarthen.—Pet. f. April 20.

WILKS, WILLIAM, Worksop, Nottinghamshire, milliner, May 27, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Pet. f. April 22.

### BANKRUPTCY ANNULLED.

GREENWOOD, SHARP, Bradford, Yorkshire, draper.

### PARTNERSHIPS DISSOLVED.

CLEARELEY, FREDERICK, and ISAACSON, GEORGE, Amersham, Buckinghamshire, attorneys and solicitors.

DAVIDSON, SEPTIMUS; HARDWICK, BENJAMIN; and CARR, ALFRED, Weaver's-hall, Basinghall-street, and Abingdon-street, attorneys-at-law and solicitors.

## TUESDAY, April 28.

### BANKRUPTS.

#### To be heard in London.

BOBER, CHARLES, Caroline-place, Haverstock-hill, cheesemonger, May 11. Off. Ass. Graham; Sol. Catchpole, 23, Great Tower-street.—Adj. April 18.

BRIND, RICHARD, Reading, Berkshire, corn dealer, May 9. Off. Ass. Edwards; Sols. Doyle, 2, Verulam-buildings, Gray's-inn; Smith, Reading.—Pet. f. April 23.

BUELER, GEORGE, Richmond-road, Putney, builder, May 12. Off. Ass. Stanfield; Sol. Ody, 14, Trinity-street, Southwark.—Pet. f. April 24.

BURN, ALFRED, Grove-road, St. John's-wood, gentleman. Off. Ass. Graham; Sol. Mullens, 7, Poultry.—Pet. f. April 25.

DAWIEL, ROBERT, Woolwich, sculptor, May 9. Off. Ass. Edwards; Sol. Dalton, 3, Bucklersbury.—Pet. f. April 24.

ENGELHART, BENJAMIN OCTAVIUS, King William-street, City, and Blackheath, Kent, auctioneer, May 9. Off. Ass. Edwards; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. April 25.

GLADWIN, THOMAS GEORGE, Paddington-street, Marylebone, builder, May 11. Off. Ass. Graham; Sol. Porter, 33, Coleman-street.—Pet. f. April 25.



HARVEY, HENRY, St. Mary's-square, Kennington-road, and Leadenhall-street, general merchant, May 9. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. April 18.

HERRY, EDMUND GEORGE, Greenwich, milliner, May 9. Off. Ass. Edwards; Sol. Bruton, 2, Copthall-chambers.—Pet. f. April 24.

HOLLISTER, AUGUSTINE GEORGE, Davies-street, Berkeley-square, watchmaker, May 11. Off. Ass. Graham; Sol. Lindus, 35, Bedford-row.—Pet. f. April 24.

HUGHAM, JAMES, Northampton, of no business, May 9. Off. Ass. Stansfeld; Sol. Kingdon & Co., 3, Lawrence-lane; Shield & Co., Northampton.—Pet. f. April 24.

JACKSON, NICHOLAS LANE, Mason's-avenue, Basinghall-street, and Commercial-road, Peckham, servant-at-mace to the sheriffs of London, May 11. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 25.

JOHNSON, HENRY HILDITCH, Circular Vaults, St. Paul's-churchyard, and Mark-lane, wine merchant, May 12. Off. Ass. Cannan; Sol. Linklater & Co., 7, Walbrook.—Pet. f. April 25.

JONES, CHARLES, Fremantle, Southampton, May 12. Off. Ass. Cannan; Sol. Paterson & Co., Bouverie-street, Fleet-street.—Pet. f. April 25.

MOLD, WILLIAM, Brook-street, Euston-road, auctioneer, May 9. Off. Ass. Edwards; Sol. Weekes, 10, Symond's-inn, Chancery-lane.—Pet. f. April 24.

MORLEY, THOMAS, Bury Saint Edmunds, Lavenham, and Thurston, Suffolk, lead merchant, May 12. Off. Ass. Cannan; Sol. Linklater & Co., 7, Walbrook.—Pet. f. April 24.

PITCHER, JAMES, Chesnut-row, Kentish-town-road, out of business, May 12. Off. Ass. Cannan; Sol. Holmes, 158, Fenchurch-street.—Pet. f. April 25.

RUSSELL, EMILY CAROLINE, Cottage-grove-park, Peckham, in no occupation, May 11. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. April 18.

SNEEDMAKE, EBERHARD, Brewer-street, Golden-square, general advertising agent, May 12. Off. Ass. Cannan; Sol. Longley, 25, Moorgate-street.—Pet. f. April 24.

STACHAN, JOHN, Norwich, draper, May 11. Off. Ass. Stansfeld; Sol. Doyle, 2, Verulam-buildings, Gray's-inn; Sadd, Norwich.—Pet. f. April 24.

STUBBS, FREDERICK, Lower-grove, Brompton, clerk in holy orders, May 12. Off. Ass. Cannan; Sol. Lewis, 2, Raymond's buildings, Gray's-inn.—Pet. f. April 25.

STYVENSON, HENRY, Whittlebury-street, Euston-square, cab driver, May 9. Off. Ass. Edwards; Sol. Hall, Gray's-inn-square.—Pet. f. April 25.

VILES, HENRY ANDREW, Long-acre, coffee-house keeper, May 25. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. April 18.

WATSON, ELISA MARGARETTA, Princes-road, Lambeth, of no business, May 11. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 25.

WATTS, JOHN, Ventnor, Isle of Wight, blacksmith, May 12. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. April 18.

WILSON, ROBERT, Spencer-street, Park-road, Battersea, retired purser in the Royal Navy, May 25. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. April 17.

#### To be heard in the Country.

BALDWIN, FREDERICK, Tunstall, Staffordshire, bookkeeper, May 16, Hanley. Off. Ass. Challinor; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. April 27.

BRASWORTH, JOHN, and WHITE, JOSEPH, Stalybridge, Cheshire, brewers, May 12, Manchester. Off. Ass. Henman; Sol. Darnton & Co., Ashton-under-Lyme.—Pet. f. April 24.

BREDFORD, JOSEPH, Birmingham, out of business, May 11, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. April 21.

BLACKMORE, JAMES, Birmingham, crate maker, May 11, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. April 25.

BULL, THOMAS, Stone, Staffordshire, licensed victualler, May 9, Stone. Off. Ass. Middleton; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. April 25.

CARTLEDGE, JOSEPH, Chesterfield, Derbyshire, draper's assistant, May 12, Chesterfield. Off. Ass. Wake; Sol. Gamble & Co., Derbyshire.—Pet. f. March 12.

COLLINGWOOD, SAMUEL, Birmingham, out of business, May 11, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. April 25.

COLLINS, WALTER EDWARD, Birmingham, plumber, May 11, Birmingham. Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. April 25.

CONSTANT, THOMAS, Luton, Bedfordshire, gardener, May 7, Luton. Off. Ass. Austin.—Adj. April 21.

COOKE, GEORGE, Barnsley, Yorkshire, grocer, May 14, Leeds. Off. Ass. Young; Sol. Hamer, Barnsley; Bond & Co., Leeds.—Pet. f. April 24.

COX, EDWARD JAMES, Birmingham, commission agent, May 11, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. April 25.

CROOK, THOMAS OULY, Birmingham, eating-house keeper, May 11, Birmingham. Off. Ass. Guest.

CRAFT, HENRY, Aylsham, Norfolk, general-shop keeper, May 12, Aylsham. Off. Ass. Bott; Sol. Chittock, Norwich.—Adj. March 17.

CURRIER, JOHN, Dawley, Shropshire, licensed beer-seller, May 11, Bolton. Off. Ass. Potts; Sol. Greenhalgh & Co., Acrefield.—Pet. f. April 15.

DANCE, JOHN, Wednesbury, Staffordshire, gas-fittings maker, May 6, Walsall. Off. Ass. Clarke.—Adj. April 20.

DAVIS, RICHARD, West Bromwich, Staffordshire, licensed victualler, May 25, Birmingham. Off. Ass. Whitmore; Sol. Reece, Birmingham.—Pet. f. April 25.

DEER, WILLIAM, Torquay, Devonshire, builder, May 12, Exeter. Off. Ass. Hirtzel; Sol. Carter, Torquay.—Pet. f. April 15.

FOSTER, JOHN, Market Reason, Lincolnshire, watchmaker, May 27, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Bromhead & Co., Lincoln.—Pet. f. April 25.

GAMESON, JAMES, Birmingham, spur-rowel maker, May 11, Birmingham. Off. Ass. Guest; Sol. Soars, Birmingham.—Pet. f. April 22.

HARR, JOHN, Firaby, Lincolnshire, stonemason, May 6, Spillaby. Off. Ass. Walker; Sol. Walker.—Pet. f. April 21.

HARDE, THOMAS, Birmingham, licensed victualler, May 25, Birmingham. Off. Ass. Whitmore; Sol. James & Co., Birmingham.—Pet. f. April 21.

HILL, JASON, Peckenharn, Worcestershire, needle manufacturer, May 15, Birmingham. Off. Ass. Kinnear; Sol. Southall & Co., Birmingham.—Pet. f. April 23.

HILL, JOHN, Willoughton, Lincolnshire, grocer, May 12, Gainsborough. Off. Ass. Burton; Sol. Brown & Co., Lincoln.—Pet. f. April 21.

HILL, THOMAS, Old Dalby, Leicestershire, farmer, May 9, Melton Mowbray. Off. Ass. Oldham; Sol. Cape, Leicester.—Pet. f. April 23.

HOCKWELL, GEORGE, Birmingham, out of business, May 15, Birmingham. Off. Ass. Kinnear.—Pet. f. April 21.

JARRETT, RICHARD, Bath, Somersetshire, ironmonger's assistant, May 8, Bath. Off. Ass. Smi h; Sol. Wilton, Bath.—Pet. f. April 20.

JOHNSON, FREDERICK, Draycott, Derbyshire, farmer, May 12, Derby. Off. Ass. Weller; Sol. Briggs, Derby.—Adj. April 20.

JOHNSON, WILLIAM HENRY, Liverpool, auctioneer, May 9, Liverpool. Off. Ass. Turner.—Pet. f. April 20.

JONES, ISAAC, Llanvabon, Glamorganshire, innkeeper, May 9, Pontypridd. Off. Ass. Spickett; Sol. Linton, Aberdare.—Pet. f. April 23.

KELLY, ROBERT, Liverpool, cabinet maker, May 9, Liverpool. Off. Ass. Turner.—Adj. April 20.

KITCHING, JOHN, Coxley, Somersetshire, farmer, May 8, Bristol. Off. Ass. Acraman; Sol. Clifton & Co., Bristol.—Pet. f. April 24.

KIRKMAN, JOSEPH, Bolton, Lancashire, brewer, May 9, Bolton. Off. Ass. Potts; Sol. Walker, Wellington.—Adj. Feb. 12.

LAW, JOHN, Sheffield, Yorkshire, beer-house keeper, May 9, Sheffield. Off. Ass. Young.—Adj. April 20.

MARTIN, JOHN, Dunston, near Gateshead, Durham, licensed victualler, May 9, Gateshead. Off. Ass. Ingledew; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. April 23.

MAUDIN, THOMAS, Sheffield, Yorkshire, butcher, May 9, Sheffield. Off. Ass. Young; Sol. Fernell, Sheffield.—Pet. f. April 23.

MILLS, EMMA, Cheltenham, Gloucestershire, greengrocer, May 23, Gloucester. Off. Ass. Wilton; Sol. Wilkes, Gloucester.—Pet. f. April 21.

MURTON, GEORGE, and MURTON, JOHN, Newcastle-upon-Tyne, grocers, May 12, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. April 21.

NICHOLSON, WILLIAM, West Hartlepool, Durham, out of employment, May 24, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Ingledew & Co., Newcastle-upon-Tyne.—Pet. f. April 24.

NOTT, JOHN, Worcester, dealer in corn, May 11, Worcester. Off. Ass. Hill; Sol. Wilson, Worcester.—Pet. f. April 17.

PAGE, WILLIAM, Kingston-upon-Hull, commission agent, May 1, Hull. Off. Ass. Phillips; Sol. Reed, Hull.—Pet. f. April 13.

PARKER, GEORGE GOOLE, Yorkshire, ale merchant, June 1, Leeds. Off. Ass. Carrick; Sol. Simpson, Leeds.—Adj. Oct. 17.

PENKIX, HENRY, Sheffield, Yorkshire, innkeeper, May 16, Sheffield. Off. Ass. Young; Sol. Fernell, Sheffield.—Pet. f. April 25.

RADFALL, HENRY, Wolverhampton, Staffordshire, coal dealer, May 25, Birmingham. Off. Ass. Whitmore; Sol. James & Co., Birmingham.—Adj. April 20.

RIDGHALGH, JAMES, Halifax, Yorkshire, farm labourer, May 15, Halifax. Off. Ass. Dyson; Sol. Ingram & Co.—Pet. f. April 28.

RODGERS, GEORGE, Sheffield, Yorkshire, spring-knife manufacturer, May 13, Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. April 27.

ROPER, WILLIAM, Walsall, Staffordshire, veterinary surgeon, May 8, Walsall. Off. Ass. Clarke; Sol. Dugan & Co., Walsall.

ROOSE, ROBERT, Flint, chemist, May 15, Mold. Off. Ass. Eytton; Sol. Parry, Mold.—Pet. f. April 17.

RUTHEY, JOHN STEWART, Liverpool, porter merchant, May 11, Liverpool. Off. Ass. Morgan.—Adj. April 20.

SANDERCOCK, WILLIAM, Altarnun, Cornwall, cordwainer, May 11, Launceston. Off. Ass. White; Sol. Peter, Launceston.—Pet. f. April 23.

SENDALL, GEORGE, Bath, Somersetshire, coach builder, May 8, Bath. Off. Ass. Smith; Sol. Wilton, Bath.—Pet. f. April 20.

SHEEHAN, JOHN, Waterlow, near Liverpool, agent, May 9, Liverpool. Off. Ass. Turner.—Adj. April 20.

SIGWORTH, WILLIAM, Roos, Yorkshire, tailor, May 1, Hull. Off. Ass. Phillips; Sol. Reed, Hull.—Pet. f. April 14.

SMITH, JOSIAH, Everton, near Liverpool, out of business, May 8, Liverpool. Off. Ass. Hime; Sol. Prices, Liverpool.—Pet. f. April 24.

SNAPE, WILLIAM, Birmingham, cast-iron fender manufacturer, May 11, Birmingham. Off. Ass. Guest.—Pet. f. April 14.

STEVENS, JOSEPH, Frimley, Surrey, licensed victualler, May 15, Farnham. Off. Ass. Hollett; Sol. Todd, 75, Newgate-street.—Pet. f. April 24.

STEVENS, PAUL, Birmingham, commercial traveller, May 11, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. March 31.

STORTZ, PHILIP CHRISTIAN, Liverpool, artist, May 13, Liverpool. Off. Ass. Turner; Sol. Wooburn & Co., Liverpool.—Pet. f. April 23.

TATE, ALFRED, Halifax, Yorkshire, stonemason, May 15, Halifax. Off. Ass. Dyson; Sol. Haigh, Huddersfield.—Pet. f. April 24.

TATHAM, CHRISTOPHER, Appleby, Westmorland, watchmaker, May 13, Appleby. Off. Ass. Keelis; Sol. Thompson, Appleby.—Pet. f. April 25.

TAYLOR, JAMES, Huddersfield, Yorkshire, manufacturer, May 25, Leeds. Off. Ass. Carrick; Sol. Freeman, Huddersfield; Cariss & Co., Leeds.—Pet. f. April 24.

TAYLOR, WILLIAM, St. Peter the Great, Worcestershire, china painter, May 11, Worcester. Off. Ass. Hill; Sol. Parker, Worcester.—Pet. f. April 24.

THOMPSON, FRANCIS FALCONER, Tenbury, Worcestershire, surgeon, May 11, Birmingham. Off. Ass. Kinnear; Sol. Burrell, Wakefield; Hodgson & Co., Birmingham.—Pet. f. April 11.

**THRALE, JAMES**, Nottingham, stonemason, May 27, Nottingham. *Off. Ass. Patchitt; Sol. Brown, Nottingham.*—*Pet. f. April 25.*

**TIMMIS, THOMAS**, Sedgley, Staffordshire, coal merchant, May 15, Birmingham. *Off. Ass. Kinnear.*—*Pet. f. April 20.*

**VOLANS, GEORGE**, Sheffield, Yorkshire, hostler, May 9, Sheffield. *Off. Ass. Young; Sols. Smith & Co., Sheffield.*—*Pet. f. April 21.*

**WAITE, JOHN**, Worthington, Cumberland, beer-house keeper, May 11, Cockermouth. *Off. Ass. Waugh; Sol. Moordaff, Cockermouth.*—*Pet. f. April 23.*

**WALMSLEY, WILLIAM**, Liverpool, bookkeeper, May 11, Liverpool. *Off. Ass. Morgan.*—*Adj. April 20.*

**WALTHREW, EMILY ROSA**, Gravesend, schoolmistress, May 11, Gravesend. *Off. Ass. Southgate; Sol. Sharrald, Gravesend.*—*Pet. f. April 25.*

**WARD, RICHARD BARBER**, Barnsley, Yorkshire, chemist, May 28, Barnsley. *Off. Ass. Shepherd; Sol. Rogers, Barnsley.*—*Pet. f. April 21.*

**WEBER, SIMON**, Birmingham, out of business, May 11, Birmingham. *Off. Ass. Guest; Sol. Parry, Birmingham.*—*Pet. f. April 21.*

**WHITTAKER, LAWRENCE**, Bolton, Lancashire, waste dealer, May 13, Manchester. *Off. Ass. Pott; Sol. Welsh, Manchester.*—*Pet. f. April 21.*

**WRAOGE, DAVID**, Masbrough, Yorkshire, butcher, May 22, Rotherham. *Off. Ass. Newman; Sol. Hirst, Rotherham.*—*Pet. f. April 24.*

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## BANKRUPTS.

*To be heard in London.*

BLAKE, JOHN ATKINS, Falcon-villa, Falcon-road, Battersea, commission agent, May 21. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 27.

BURBROW, THOMAS, Collingwood-street, City-road, baker, May 11. Off. Ass. Graham; Sol. Chidley, 25, Old Jewry.—Pet. f. April 27.

CROSS, PHILIP, Kender-street, New-cross, butcher, May 19. Off. Ass. Stansfeld; Sol. Hall, 21, Coleman-street.—Pet. f. April 27.

FLOYD, JANE, Burdett-street, Walworth-common, schoolmistress, May 19. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 28.

FROST, WILLIAM, High-street, Gravesend, shoemaker, May 26. Off. Ass. Stansfeld; Sol. Wright, 123, Chancery-lane.—Pet. f. April 29.

FRY, ROBERT TURNER, Frederick-terrace, Lavender-hill, out of business, May 26. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 27.

HACKER, JAMES, Princes-street, Chelsea, coachman, May 26. Off. Ass. Stansfeld; Sols. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. April 29.

HAMCOCK, WALTER, Fulbourn (and not Fulham, as before advertised), Cambridgeshire, grocer, May 11. Off. Ass. Graham; Sols. Cole & Co., 36, Essex-street, Strand; Foster & Co., Cambridge.—Pet. f. April 2.

HANFORD, ROBERT WILLIAM, St. Neots, Huntingdonshire, printer, May 19. Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers; Vaughan, Huntingdon.—Pet. f. April 27.

HENSON, WILLIAM FREDERICK, New Cavendish-street, Portland-place, commission agent, May 19. Off. Ass. Cannan; Sols. Aldridge, 46, Moorgate-street.—Pet. f. April 29.

HERCY (and not HERY, as before advertised), EDMUND GEORGE, Greenwich, milliner, May 11. Off. Ass. Edwards; Sol. Brutton, 2, Cophall-chambers.—Pet. f. April 24.

HUDSON, JOHN, Camden-street North, Camden-town, out of business, May 19. Off. Ass. Cannan; Sols. Gregory & Co., 17 and 18, Clement's-inn.—Pet. f. April 28.

JACKSON, NICHOLAS LANE, Mason's-avenue, Basinghall-street, and Commercial-road, Peckham, Sergeant-at-Law to the Sheriffs of London, May 12. Off. Ass. Cannan; Sol. Longley, 25, Moorgate-street.—Pet. f. April 28.

MACLAGAN, THOMAS, Birmingham, vocalist, May 26. Off. Ass. Stansfeld; Sols. Robinson & Co., 35, Lincoln's-lan-wards.—Pet. f. April 28.

MOON, GEORGE, Brighton, Sussex, tobacconist, May 23. Off. Ass. Edwards; Sol. Poole, 58, Bartholomew-close.—Pet. f. April 28.

MOTMERSILL, ROBERT, Euston-square, St. Pancras, and New Oxford-street, wine merchant, May 11. Off. Ass. Graham; Sol. Warrand, 61, Cheapside.—Pet. f. April 30.

PARSONS, FRANCIS HOPKINS, Cirencester-street, Harrow-road, plumber, May 11. Off. Ass. Graham; Sol. Drake, 13, Gresham-street.—Pet. f. April 29.

PERRY, JAMES HILBERT, Charles-street, Berkeley-square, magnetopoeist, May 23. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 29.

PHILPOT, THOMAS GURNEY, Gracechurch-street, shipbroker, May 19. Off. Ass. Cannan; Sol. Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. April 29.

RAWSON, ABRAHAM, Bedford, potato dealer, May 23. Off. Ass. Edwards; Sols. Conquest & Co., Bedford; Thomas & Co., Mincing-lane.—Pet. f. April 29.

RODDIS, JOHN, Kingsborough, Northamptonshire, baker, May 11. Off. Ass. Graham; Sols. Shield & Co., Northampton; Kingdon & Co., 3, Lawrence-lane, Cheapside.—Pet. f. April 28.

SAICH, MATTHEW, Windsor-place, Windsor-terrace, Harrow-road, Paddington, out of business, May 23. Off. Ass. Edwards; Sols. Wild & Co., 104, Ironmonger-lane.—Pet. f. April 27.

SCOTT, PETER TUTTLE, Coleman-street, Islington, tailor, May 19. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 29.

SHERING, ALFRED JOHN, Horrock's-row, New-cross, baker, May 11. Off. Ass. Stansfeld; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. April 27.

TAYLOR, EDWARD CHARLES LYNN, King's Arch-place, East-street, Walworth-road, perambulator manufacturer, May 23. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 27.

WALTERS, JOSEPH, Northampton, hatter, May 19. Off. Ass. Cannan; Sols. Shield & Co., Northampton; Kingdon & Co., 3, Lawrence-lane, Cheapside.—Pet. f. April 27.

WHITE, JOHN, Garrett-lane, Wandsworth, lucifer match maker, May 11. Off. Ass. Graham; Sol. Haynes, 12, Southampton-buildings, Chancery-lane.—Pet. f. April 29.

YARDLEY, DANIEL, James-place, Kensington-square, tailor, May 11. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 29.

*To be heard in the Country.*

ALEX, JOHN, Freshford, Somersetshire, haulier, May 5, Bradford. Off. Ass. Speckman; Sol. Wilton, Bath.—Pet. f. April 22.

BEAN, JOHN, Snelland, Lincolnshire, farmer, May 19, Nottingham. Off. Ass. Harris; Sols. Brown & Co., Lincoln.—Pet. f. April 28.

BOULTON, JOHN BOUWME, Newcastle-under-Lyme, Staffordshire, smallware dealer, May 15, Newcastle-under-Lyme. Off. Ass. Blaney; Sol. Dalton, Newcastle-under-Lyme.—Pet. f. April 27.

BOWERS, WILLIAM HENRY, Manchester, out of employment, May 18, Manchester. Off. Ass. Kay; Sol. Eltoft, Manchester.—Pet. f. April 29.

BOYCOTT, RICHARD, Blaina, Monmouthshire, contractor, May 15, Bristol. Off. Ass. Acraman; Sols. Greenway & Co., Pontypool; Bevan & Co., Bristol.—Pet. f. April 20.

BRADBURY, GEORGE, Manchester, yarn commission agent, May 13, Manchester. Off. Ass. Fraser; Sol. Eltoft, Manchester.—Pet. f. April 29.

BROWN, Rev. JOHN HENRY, Langford, Nottinghamshire, clerk, May 19, Nottingham. Off. Ass. Harris; Sol. Brewster, Nottingham.—Pet. f. April 24.

BURNET, GEORGE, West Haslington, Yorkshire, out of business; May 13, New Malton. Off. Ass. Jackson; Sol. Mason, York.—Adj. April 14.

BURTON, CHARLES, Wolverhampton, Staffordshire, butcher, May 25, Birmingham. Off. Ass. Kinneer; Sols. Jackson, West Bromwich; Wright, Birmingham.—Pet. f. April 27.

CALEADINE, THOMAS, Ilkeston, Derbyshire, fruiterer, May 13, Belper. Off. Ass. Ingle; Sol. Wood, Nottingham.—Pet. f. April 28.

CARMAN, ROBERT, Isle of Ely, Cambridgeshire, wheelwright, May 1, Ely. Off. Ass. Hall; Sols. Whitehead & Co., Cambridge.—Pet. f. April 11.

FIELDEN, JAMES, Manchester, furniture dealer, May 16, Salford. Off. Ass. Hulton; Sol. Hewitt, Manchester.—Pet. f. April 24.

GALT, JAMES EDOCOMBE, Liverpool, window-blind maker, May 11, Liverpool. Off. Ass. Turner; Sols. Haigh & Co., Liverpool.—Pet. f. April 29.

GIDDINS, CHARLES, Dunstable, Bedfordshire, painter, May 14, Luton. Off. Ass. Austin.—Adj. April 21.

HAGUE, JOHN GEORGE, Liverpool, grocer, May 11, Liverpool. Off. Ass. Morgan; Sol. Hasband, Liverpool.—Pet. f. April 29.

HALCROW, WILLIAM, Kingston-upon-Hull, cooper, May 12, Hull. Off. Ass. Phillips; Sol. Reed, 23, Bishop-lane, Hull.—Pet. f. April 28.

HANDLEY, ROBERT, Rochdale, Lancashire, butcher, May 14, Manchester. Off. Ass. Pott; Sol. Whitehead, Rochdale.—Pet. f. April 28.

HARRISON, WILLIAM, Saxtilly, Lincolnshire, blacksmith, May 12, Lincoln. Off. Ass. Uppeby; Sols. Brown & Co., Lincoln.—Pet. f. April 27.

HOWE, JOHN, Bristol, mason, May 15, Bristol. Off. Ass. Harley; Sol. Ayre.—Pet. f. April 23.

JOHNSON, RICHARD, Kingston-upon-Hull, draper, May 20, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Hearfield, Hull.—Pet. f. April 29.

MAIDS, THOMAS, Taynton, Oxfordshire, carpenter, May 14, Oxford. Off. Ass. Bishop; Sol. Ansell, Burford.—Pet. f. April 24.

MASON, NATHAN, and MASON, LOUIS, Birmingham, jewellers, May 25, Birmingham. Off. Ass. Whitmore; Sol. Edwards, Birmingham.—Pet. f. April 22.

MOSESON, JACOB, West Hartlepool, Durham, out of business, May 19, Sunderland. Off. Ass. Marshall; Sol. Marshall, West Hartlepool.—Pet. f. April 27.

NEWTON, EDWARD, and ARMSTRONG, ROBERT BRODERICK, Sunderland, Durham, sail makers, May 12, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Snowball & Co., Sunderland.—Pet. f. April 27.

NOBLE, WILLIAM, Bradford, Yorkshire, tea dealer, May 20, Bradford. Off. Ass. Robinson; Sol. Hill, Bradford.—Pet. f. April 28.

NORRIS, DAVID, Colwall, Herefordshire, innkeeper, May 23, Ledbury. Off. Ass. Moore; Sol. Reese, Ledbury.—Pet. f. April 13.

OSBORNE, JOHN HENRY, Plymouth, Devonshire, painter, May 13, Plymouth. Off. Ass. Hirtzel; Sols. Fowler, Plymouth; Hirtzel, Exeter.—Pet. f. April 28.

PARR, RICHARD, Leyland, Lancashire, licensed victualler, May 14, Manchester. Off. Ass. Fraser; Sol. Gardner, Manchester.—Adj. April 20.

PRIESTLEY, GEORGE, Halifax, Yorkshire, provision dealer, May 15, Halifax. Off. Ass. Dyson; Sol. Hill, Bradford.—Pet. f. April 29.

PROCTOR, JOHN, Market Rasen, Lincolnshire, beer retailer, May 13, Market Rasen. Off. Ass. Rhodes; Sols. Brown & Co., Lincoln.—Pet. f. April 29.

SCOTT, HENRY, Bridgwater, Somersetshire, timber merchant, May 13, Bridgwater. Off. Ass. Lovibond; Sol. Reed, Bridgwater.—Pet. f. April 27.

SEDDOX, HENRY, Manchester, clock maker, May 13, Manchester. Off. Ass. Kay; Sol. Eltoft, Manchester.—Pet. f. April 27.

SHERWOOD, ALBERT, Birmingham, out of business, May 11, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. April 27.

SMITH, RACHEL, and ATKINSON, ANN, Bishop Auckland, Durham, licensed victuallers, May 19, Bishop Auckland. Off. Ass. Trotter; Sol. Thornton, Bishop Auckland.—Pet. f. April 28.

SPREDDING, SAYER, South Church and Bishop Auckland, Durham, common brewer, May 13, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Trotter & Co., Bishop Auckland; Hodge & Co., Newcastle-upon-Tyne.—Pet. f. April 21.

SPICER, WILLIAM, Sutton, Yorkshire, brewer, May 20, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Sidebottom, Hull.—Pet. f. April 29.

STEVENS, DAVID, Liverpool, dealer in felt, May 11, Liverpool. Off. Ass. Morgan; Sol. Husband, Liverpool.—Pet. f. April 29.

STONEY, GEORGE, Bradford, Yorkshire, bobbin manufacturer, May 25, Leeds. Off. Ass. Carrick; Sols. Terry & Co., Bradford; Bond & Co., Leeds.—Pet. f. April 30.

TAYLOR, FREDERICK, Exeter, coach builder, May 11, Exeter. Off. Ass. Daw; Sol. Floud, Exeter.—Pet. f. April 23.

UNSWORTH, JAMES, Old Swan, near Liverpool, boot dealer, May 11, Liverpool. Off. Ass. Hime; Sol. Ety, Liverpool.—Pet. f. April 27.

WOODS, THOMAS, Great Lever, Lancashire, cattle dealer, May 16, Bolton. Off. Ass. Holden; Sol. Edge, Bolton.—Adj. April 20.

WRIGHT, THOMAS, Tonbridge, Kent, linendraper, May 14, Tonbridge. Off. Ass. Alleyne; Sol. Cripps, Tonbridge Wells.—Pet. f. April 28.

## BANKRUPTCY ANNULLED.

URRY, MARIA, and URRY, THOMAS CHARLES, Leigh-street, Burton-crescent, Euston-road, St. Pancras, stampers on muslin.

[For continuation of Gazette, see p. 171.]

## CONTENTS.

London Gazette.....	166
Leading Article .....	167
Correspondence .....	168
Calls to the Bar .....	169
Tariff for Counsel's Fees in Canada .....	169
Parliamentary Intelligence .....	170
Bill in Progress .....	170

## NAMES OF THE CASES REPORTED.

## HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

Wall v. Cockerell.—( <i>Principal and agent—Mortgagor and mortgages—Fraud by solicitor for both parties—Acquiescence in validity of mortgage</i> ) ..	447
---	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Parker v. Nickson.—( <i>Will, construction of—Acknowledgment of A. B. to be heir-at-law and next of kin</i> ) .....	451
---	-----

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Darnley v. London, Chatham, and Dover Railway Company.—( <i>Practices—Amendment after replication</i> ) .....	452
---	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Bonfield v. Hassall.—( <i>Annuity—Forfeiture—Marriage</i> ) .....	453
Laurie v. Crush.—( <i>Practice—Revivor</i> ) .....	453
Edwards v. Harvey.—( <i>Practices—Payment out of court</i> ) .....	453
In re Leake's Trusts.—( <i>Trustees—Payment into court—Costs</i> ) .....	453
Caddick v. Cook.—( <i>Foreclosure—Parties</i> ) .....	454

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

In re Braye.—( <i>Practice—Public company—Costs</i> ) ..	454
Forbes v. Tanner.—( <i>Practices—Assets—Production of documents</i> ) .....	455
Sutton v. Rees.—( <i>Landlord—Receiver—Distress</i> ) ..	456

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Postgate v. Barnes.—( <i>Bill by married woman—Demurrer—Plea without answer—Practices</i> ) .....	456
---	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESSY, Barrister at Law.

Dresser v. Bosanquet.—( <i>Dock company—Wharfage, rates and charges—Owner—General lien—11 &amp; 12 Vict. c. 27, ss. 3, 45</i> ) .....	458
Murray and Another v. Arnold.—( <i>Judge's order—Payment into court to abide event of suit—Bankruptcy—Creditor—Security for debt—12 &amp; 13 Vict. c. 106, s. 184</i> ) .....	461

## EXCHEQUER CHAMBER.

By J. GRANT, Barrister at Law.

Jones v. Tapling.—( <i>Ancient lights—Right to light—Obstructing old lights—Usurpation—Remedy of servient owner—Abandonment of right</i> ) .....	462
--	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Bernard v. Aaron and Sharpley.—( <i>Shipping—Part owners of—Liability of one to the other for negligence—Action of tort</i> ) .....	470
Xenos and Another v. Wickham.—( <i>Marine insurance—Policy by an insurance company—Execution of deed—Cancellation, delivery, and acceptance of instrument</i> ) .....	471

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Moulton, App., Wilby, Resp.—( <i>Salmon fisheries—Illegal taking—24 &amp; 25 Vict. c. 109</i> ) .....	472
---	-----

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNST BROWNING, Barrister at Law.

Dart v. Dart.—( <i>Judicial separation—Cruelty—Alienation</i> ) .....	474
---	-----

## COURT OF ADMIRALTY.

By W. ERNST BROWNING, Barrister at Law.

The Andrew Wilson.—( <i>Salvage—Appeal from award of justices—Sum in dispute</i> ) .....	474
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## THE JURIST.

LONDON, MAY 9, 1863.

IN our last number we referred to the present vicious system of reports and reporting, together with the laudable steps taken by the Law Amendment Society to supply a remedy for the evil. We there intimated that, to our mind, one great cause of it was the departure by modern tribunals from the practice of ancient times, namely, to decide questions on principle whenever possible, and never desert it unless compelled by an express and distinct decision of a tribunal of competent jurisdiction. The modern practice, on the contrary, is to look anxiously for some authority for every thing, however trivial, and expect every case to be reported, whether of due interest or not; the inevitable consequence of which is, to encourage indiscriminate, ill-digested, and hasty reporting, with all the evils which necessarily follow in their train. And in this the efforts of the judges have been unhappily too well seconded by the reporters themselves; many of whom report cases of so insignificant a character, and important ones in such a crude, inadequate, and slovenly manner, and both not unfrequently so inaccurately, as to render their reports

ignes fatui to mislead instead of guides to direct. A modern reporter too often lacks the courage to omit a case from his reports, and if taxed with the omission, say what he thinks,—that it is either a decision on a combination of facts, interesting to none but the parties concerned; or that the matter of law decided in it is so obvious, that to report it would be an insult to the understanding alike of his readers and himself.

There is, however, another important circumstance connected with this subject, namely, the views relative to reporting held by the judges at different periods. In former times, they looked on it with no favour; and, indeed, it seems to have been a somewhat unsafe employment. So late as 1765, Sir James Burrow, in the preface to his reports, thought it necessary to apologise for publishing them. He says, he is aware that reporting its decisions without leave or license is a contempt of Court; but contends, that although that rule applies to reports of causes depending, or soon after they are over, a publication of reports *at a distance of time*, merely as a matter of science, has not been animadverted upon, though within the letter of the law. At the latter end of the last century, the stupid notion of reporting being a contempt of Court was completely dispelled; and in most of the courts a regular series of reports has been published ever

since; not exactly under the license, but with the favour and assistance of the judges, who long refused to allow any other reports of their proceedings to be cited. This continued until about a quarter of a century ago, when the characteristic vices of all monopolies—deterioration and oppression—having shewn themselves in the reporting system, a re-action set in; and at last it came to be understood, that any report authenticated by the name of a barrister might be cited. This was a great stride in the opposite direction. A report has no authority in itself—it is only evidence of what has been done by judicial tribunals; its use being, that the tribunal to which it is cited may assume, without inquiry, that a former tribunal has decided in a particular way. Surely, therefore, no report ought to be listened to in any court until it has established a reputation for general accuracy. From this sketch of the history of reporting, it will be seen that discouragement, coercion, exclusiveness, and unrestrained license, have been tried one after the other; with what advantage let the present state of things declare.

The securing full and faithful reports of the cases decided in courts of justice is matter of interest in every civilised community, but is of increased importance in England, which is governed by a *lex non scripta*, and not by a code. At the same time it would be a great mistake to assume that the existence of a code renders judicial reporting unnecessary. Look at France, a country governed by the Code Napoléon—a code which expressly prohibits the judges from laying down general principles to influence future cases (Code Civil, Titre Préliminaire, §. 5), and requires every tribunal to decide the questions before it on what it deems the true construction of the code. But although a judge in France is prohibited from saying what we so often hear in our courts, "If this matter were *res integra*, I should decide in such or such a way, but feel myself bound by a previous decision to rule otherwise," it is impossible to prevent his hearing the decisions of his predecessors, and forming his judgment by them. Besides, the Code Napoléon does not prohibit his listening to those decisions, if cited to him *ex relatione* or from a book; and we accordingly find that in the practice of the French tribunals reports are constantly cited *de facto*, though not *de jure*. The French newspaper "Le Droit," for instance, contains reports of the decisions of the tribunals, and bears as strong a resemblance to THE JURIST as the difference of the two legal systems will admit. But the state of things in France is far more unsatisfactory than that in England, and leaves open a wide field for judicial iniquity. Suppose a report cited to a judge in France. If the decision assists the party whom the judge is desirous to favour, he gives the decision in accordance; and if his conduct is questioned afterwards, pleads the former decision, and complains of the hardship of being called to account for doing what his predecessor was permitted to do with impunity. If, however, the previous decision is adverse to the favoured party, the judge disregards it without ceremony, and bases his decision on what he declares to be his view of the meaning of the text of the code. Under such a system the judge is in many cases enabled to give judgment for the plaintiff or the defendant at pleasure.

If the Legislature takes the reporting system in hand, there is a matter connected with it to which they may well turn their attention. The eagerness of modern judges to decide, if possible, every case upon some authority, or semblance of authority, proceeds, we believe, in part at least, from the fact of their being *overworked*. In the early part of the present century there were only twelve judges of the Common-

law Courts at Westminster, and although three were added in 1830, the Welsh jurisdiction was then joined to the English, and the population of both countries has immensely increased since that time. What with the regular duties in open court, and scarcely less important duties at chambers, attendance at the House of Lords and the Central Criminal Court, on the Circuits, both winter and summer, &c., a modern judge has not time to sift every case as it deserves, and is compelled to decide many at a kind of haphazard. We do not say this in any disparagement of those eminent persons, who, indeed, do the best they can under the circumstances—the vice is in the system, and in its reformation the remedy must be sought.

## Correspondence.

### "NOT RECEIVED IN EVIDENCE."

TO THE EDITOR OF "THE JURIST."

SIR,—Excuse me suggesting that the only darkness in this question arises from not correctly apprehending the doctrine of relation as applied to an act of bankruptcy. The result is, that from the date of the act of bankruptcy all property is divested out of the bankrupt. His acts convey no title. All persons acting under them are wrongdoers. The sheriff may return *nulla bona*. Assignees may sue in trover. (*Balme v. Hatton*, 9 Bing. 471; *Garland v. Carlisle*, 4 Scott, 587; *Cheston v. Gibbs*, 12 M. & W. 111). Of course I am speaking of the general doctrine, not of exceptions or protected transactions. This result is equally, if not a *fortiori*, the case where the supposed transaction or conveyance is an act of bankruptcy in itself. (*Hall v. Wallace*, 7 M. & W. 363).

Question, then, the necessity for registering a deed affected in this way. What deeds require registration? "Every deed by which a debtor conveys his estate and effects for the benefit of his creditors" (sect. 194). But by this deed (when treated as an act of bankruptcy) the debtor cannot be said to have conveyed his estate. The legal result of the adjudication is to pass the estate to the assignees in bankruptcy. The transaction is not within the words of the section at all.

The equity and reason of the case may not have much to do with the question; but what is the consideration for the *advalorem* bankruptcy stamp of 5s. per cent. imposed on registration by sect. 195? Evidently, the supposed benefit the creditors may receive from the control and direction of the bankruptcy court (sect. 197). But if the estate goes into bankruptcy, under an acquisition, the bankruptcy stamps and per-centages are all paid over again. Why, then, must this estate be taxed twice?

I am, Sir, your obedient servant,

E. W.

[A fallacy which a Lord Chancellor has for the time raised to the dignity of law, and which has not yet been overruled, may not be unworthy of a second refutation. Our correspondent's argument is this—"All conveyances for the benefit of creditors must be registered; a deed which is void as against assignees in bankruptcy is not a conveyance, and is not required to be registered." The answer, in his own style, is—"A deed which is void is not a conveyance; therefore is not an act of bankruptcy." The true answer is this—The policy of the bankrupt law is to protect the creditors against certain acts of the debtor, among which is a fraudulent conveyance of his property. If the debtor make such a conveyance, the law will, at the instance of a debtor, declare that he has

thereby become bankrupt, and the consequence of such decision is, that the conveyance is annulled. But the essential condition precedent to the adjudication is, that the conveyance be proved. If no conveyance is or can be proved, no possible injury to the creditors is or can be established; and the case of the petitioner wholly fails. A deed purporting to be a conveyance, but which cannot by any means be proved, is not a conveyance, and cannot, as a conveyance, be made the ground of any judicial determination. It is a nullity, not because it is an act of bankruptcy, but because no court can take notice of it for any purpose.]

### CALLS TO THE BAR.

THE following gentlemen have been called to the degree of Barrister at Law:—

**LINCOLN'S INN.**—George Edmund Wicksted, Esq., B.A.; Richard Dickson Preston, Esq., B.A.; Edward St. Aubyn, jun., Esq.; Stephen Blount, Esq.; Albert Glenie Perring, Esq., M.A.; Thomas Pitts Langmead, Esq.; and Stephen Ellis Rogers, Esq.

**MIDDLE TEMPLE.**—Henry Cecil Raikes, Esq., B.A.; Henry Thomas Wrenfordale, Esq.; Charles Lovell Lovell, Esq.; and Richard Banner Oakeley, Esq.

**INNER TEMPLE.**—William Benett Player Brigstocke, Esq., L.B.; Thomas Benyon Ferguson, Esq.; William Henry Milligan, Esq., M.A.; John Alfred Hudson, Esq.; James Edouard Ferdinand Poulin, Esq.; Francis Ashton Drake, Esq., M.A.; Samuel Sanders, Esq., B.A.; Percy Arden, Esq.; Charles Skidmore, Esq.; Arthur Richard Jelf, Esq., M.A.; Henry Offley Bright, Esq.; John Martyr Ward, Esq., M.A.; Charles James Jenkins Hannay, Esq.; Matthew Henry Starling, Esq., B.A., L.L.B.; and Ernest Algernon Sparks, Esq., B.A.

**GRAY'S INN.**—Nugent Charles Walsh, Esq.

### TARIFF FOR COUNSEL'S FEES IN CANADA.

A BILL to settle counsel's fees by a tariff has been introduced into the Canadian Legislature. The last number of *The Upper Canada Law Journal* has the following remarks upon it:—

"Cheap law, like cheap whisky, is a curse to a people. This is a trite remark, often made, but not always understood. There is a fascination about litigation, which some men cannot resist. The cheaper the cost of litigation, the greater is the fascination. Much and needless litigation is only productive of ill-feeling, malice, and hatred.

"What so much discourages the litigious as a wholesome dread of law costs? It has always been found that in proportion as law costs are reduced, litigation increases. Jones is angry with his neighbour Brown, because the latter, in a hasty moment, called the former 'a scapegrace'; whereby Jones fell much in the estimation of his fellow-men; became sick, sore, and much pained in body and mind. Jones would like to sue Brown for this great wrong; but the prospect, in the event of failure, of having to pay costs to the amount of 100 dollars, puts a damper on his intentions. Reduce the costs from 100 dollars to 25 dollars, and Jones without doubt will have 'a slap' at Brown. Win or lose, the costs cannot be much; so that, with little or no hesitation, he proceeds to gratify his appetite for revenge. Jones and Brown are fair specimens of the genus 'homo' in matters of litigation.

"Is it not within the experience of us all, that the immediate effect of the increase of the jurisdiction of

our division courts, was to increase litigation to such an extent, that suits increased by tens and hundreds? Two or three hundred suits at one court was no uncommon occurrence. Why was this? Because, before the change in the law, 200 out of the 300 suits could not be brought without the risk of county court costs, or about 40 dollars in each suit. The dread of such a consequence exercised its influence in pacifying the discontented, and led to compromises of a conciliatory kind, leaving men good neighbours instead of bitter enemies.

"Why is it that the judges of our superior courts are now so often called upon to try actions for malicious arrest, and maliciously suing out process? It is because of the increased facilities afforded to men for resort to courts of law for the mere gratification of their angry passions. Most of such suits are for the malicious issue of attachments or other process out of the inferior courts. When once the seeds of discussion are sown, one suit leads to another, till happy homes are rendered desolate, and well-to-do men are brought to the brink of poverty, if not of insanity.

"The zealot for cheap law costs should ponder on things such as these; let him also consider how much peace between men is preserved by keeping up the respectability of the legal profession.

"It is a fact, that respectable lawyers, so far from encouraging litigation, do all they can to prevent it. It is no part of a respectable lawyer's duty 'to get his neighbours by their ears,' in order that he may profit by their misery. No respectable lawyer is guilty of such conduct. Better, then, to pay lawyers well for what they do, than to make it their interest to increase the number of suits by fostering litigation, in order to make their gains, notwithstanding the decrease of law costs, correspond with former receipts. Reduction of law costs might have the effect of driving respectable men out of the profession of the law into other callings, where their talents and their learning would be better required; but most assuredly their place would be supplied by vampires, who would prey upon the very vitals of the community, and whose number would be legion.

"No profession exercises so powerful an influence on the community as that of the law. The influence may be for good or for bad, according to the description of the men who wield it. A liberal and learned profession is at once the pride and the glory of England. The profession in Canada, so far, has not been under the mark. But tell the able advocate, whose life has been spent in the study of his profession, that he shall not be paid for his services beyond the compensation allowed to the 'negro minstrel,' or 'vendor of quack medicines,' and what will become of him? He will leave the profession in disgust, and his place will be taken by those whose moral faculties are more blunted, and appetite for plunder more craving. The result, in the language of the penny-a-liner, 'may be more easily imagined than described.'

"In England it has not yet been attempted, as a rule, to limit counsel fees. The labourer there is worthy of his hire. One man is more deserving than another. While Mr. Addlepate might be delighted to receive the magnificent fee of 10 dollars for pleading a case, Mr. Skilful would not accept the brief with less than 50. And perhaps, after all, the services of Mr. Addlepate at 10 dollars, would be dearer than those of Mr. Skilful at 50. Why, then, attempt to put both these men on the same footing? Why say that no greater counsel fee shall be taxed than 20 dollars? What is the consequence? It is this: it compels the suitor to employ mediocrity, or else pay the difference between the fee for mediocrity and



talent out of his own pocket. This is not as it ought to be. The rule is, that the party in the wrong should pay the penalty of his position by paying the costs of litigation. But if the fees of litigation are so small that no man of talent or respectability will accept them, then the party in the right, who employs a man of talent or respectability, must pay his counsel out of his own pocket, and so be a loser, no matter what the result of the litigation.

"The principle of measuring a lawyer's fees by a tariff, and taxing them according to that tariff, is at best a doubtful one, and should not be stretched. Why should not the lawyer as well as the doctor be allowed to make his own bargain? There is no substantial difference between them. The one is employed to preserve and protect life; the other is employed to preserve and protect property. Each is a member of a liberal profession; each is licensed to practise that profession. There was a time when the Legislature of England endeavoured to fix the value of different commodities, and of the services of different classes of the community, by acts of Parliament. That time is almost past. The only relic of it, in the case of commodities, is that of the usury laws or fixed price of money; the only relic of it, in the case of individual classes of the community, is that of lawyers. It is absurd to attempt to fix by law that which, owing to surrounding circumstances and lapse of time, must necessarily fluctuate. If money, like any other commodity, exceeds the demand, it will be cheap. If lawyers, like any other class of labourers, exceed the demand, their services will be cheap. Such is the law of supply and demand. It constantly adjusts itself to surrounding circumstances. But the attempt to fix the price of a thing fluctuating in itself, is as illogical as an attempt to curb the wind.

"Lawyers must live. If they do not live strictly 'by the sweat of their brow,' they live by brain work—no less arduous. They are trained for a particular profession. For a consideration their services are offered to society. If the price for the services which the lawyer may at the instance of his fellow-men be called upon to perform, are fixed by act of Parliament, why should not the price of services which he receives? He must eat, drink, and live, like other men. If the shoemaker is not restrained by act of Parliament to a fixed price for his boots, why should the lawyer, who pays him for the boots? If the grocer, who supplies the lawyer with the necessities of life, is not limited to a tariff, why should the lawyer, who pays for the groceries? If the labourer, who cuts the lawyer's wood, may charge less or more for his services, according to circumstances, why should the lawyer who pays be limited in his receipts? A fee of 20 dollars for pleading a cause, when provisions and other necessities of life are cheap, may be a fair compensation, and yet no compensation at all if the price of provisions and other necessities of life increase three-fold. If the prices of the necessities of life increase three-fold, why should not the lawyer, whose expenditure is thereby increased, be allowed to make some corresponding increase in his charges? A tariff of fees for the services of lawyers is theoretically, if not practically, a rank absurdity. It is the remnant of absurdities which long since, as the statute book of England to this day testifies, have exploded."

#### PARLIAMENTARY INTELLIGENCE.

Mr. Bouverie has withdrawn his bill to prohibit the issue of writs for actions of debt in the superior courts for sums not exceeding 20*l*.

Sir J. Ferguson has brought in a bill to regulate the compensation for accidents.

The security from violence bill, introduced by Mr. Adderley, noticed ante, p. 103, has passed through committee, with considerable amendments, and after several divisions.

The bill, No. 1, to amend the law respecting the liability of innkeepers, noticed ante, p. 143, has been read a second time without a division; while No. 2, on the same subject, has been withdrawn.

#### BILL IN PROGRESS.

##### JURORS' REMUNERATION BILL.

*A Bill for the Remuneration of Jurors in certain Cases.*

(Prepared and brought in by Mr. Ayrton and Sir Fitzroy Kelly.)

Whereas it is expedient to remunerate jurors for their attendance to try issues respecting matters which have not arisen in the county from which such jurors are summoned: be it enacted &c. as follows:—

Section 1. Where a jury shall have been sworn to try any issue before a court or judge, and it shall appear to the court or judge that the cause of action or suit in such issue did not arise within the county from which such jury has been summoned, it shall be lawful for the court or judge to direct the person by whom or at whose instance such issue shall have been entered or brought on for trial in such county to pay to each of the jurors, in open court, before the jury are discharged, the sum of 7*s*. 6*d*., and the like sum of 7*s*. 6*d*. more for each day after the first during which the trial may continue; and any person failing to make such payment shall be deemed guilty of contempt of court.

2. The party paying such jury shall not have any further or other allowance for the same upon taxation of costs than he would have been entitled unto before the passing of this act, unless the court or judge shall, at or immediately after the trial of the issue, determine that the same could be more conveniently tried by such jury than by a jury of the county where the matters in question arose, unless such issue shall have been so tried by consent of both parties.

3. Every direction and determination of a court or judge under this act shall be final and conclusive.

#### COURT OF QUEEN'S BENCH.

EASTER TERM, 26 VICT.—April 30, 1863.

This Court will, on Saturday, the 9th, and Monday, the 11th days of May next, hold sittings, and will proceed in disposing of the business then pending in the New Trial, Special, and Crown Papers, and will also give judgment in cases then standing for judgment.

By THE COURT.

JURIDICAL SOCIETY.—A meeting of this society was held at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 4th instant, John Westlake, Esq., the chair; when Mr. F. S. Reilly read a paper on "The Provisions of the Foreign Enlistment Act relating to Ships." A discussion ensued, in which Mr. C. Clerk, Mr. Hopwood, Mr. F. Nichols, Mr. W. Marshall, Mr. F. Lawrence, Mr. Hake, and Mr. Jackson took part.

The Queen has been pleased to appoint Joseph Beaumont, Esq., to be Chief Justice for the colony of British Guiana; William Hackett, Esq., to be Chief Justice of the Supreme Court of her Majesty's Forts and Settlements on the Gold Coast, and Assessor to the Native Chiefs within the protected territories near or adjacent to the said Forts and Settlements; and Thomas Lewis Ingram, Esq., to be her Majesty's Advocate and Police Magistrate for her Majesty's Settlement on the River Gambia.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Peter Edward Hansell,

Gent., of the city of Norwich, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the city of Norwich, and county of the same city, also in and for the county of Norfolk.

## TUESDAY, May 5.

### BANKRUPTS.

#### To be heard in London.

BENJAMIN, ABRAHAM, Bevis-marks, City, watchmaker, May 19. Off. Ass. Stansfeld; Sol. Waring, 25, Poultry.—Pet. f. April 30.  
 BIDDER, BARTHOLOMEW PARKER, Brighton, stationer, May 19. Off. Ass. Cannan; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. April 30.  
 BIGGS, HENRY GLASSON, Upper Thames-street, out of business, May 21. Off. Ass. Graham; Sol. Waldron, 59, Lamb's Conduit-street.—Pet. f. April 30.  
 BLITHE, FREDERICK EDMUND, Hill-street, Peckham, general agent, May 20. Off. Ass. Stansfeld; Sol. Hill, 10, Basinghall-street.—Pet. f. May 1.  
 BURTON, WILLIAM, Seymour-place, High-street, Camden-town, broker, May 21. Off. Ass. Graham; Sol. Ablett, 6, Newcastle-street, Strand.—Pet. f. May 1.  
 CANT, GEORGE HENRY, and CANT, FREDERICK, High Holborn, boot manufacturers, May 21. Off. Ass. Graham; Sol. Randall, 17, Gracechurch-street.—Pet. f. May 2.  
 CHAMBERS, JOHN, Clarendon-place, Clarendon-street, Camberwell New-road, Surrey, commission agent, May 23. Off. Ass. Edwards; Sol. Longley, 25, Moorgate-street.—Pet. f. April 30.  
 COCKELL, WILLIAM, York-street, High-street, Battersea, builder, May 21. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 1.  
 COTTEW, EDWARD, Wycombe-terrace, Hornsey-road, physician, May 19. Off. Ass. Stansfeld; Sol. Nicholson, 48, Lime-street.—Pet. f. May 1.  
 ELCOCK, WILLIAM CHARLES, Newtown, Southampton, baker, May 19. Off. Ass. Stansfeld; Sols. Mackey, Southampton; Paterson & Co., 7, Bouverie-street.—Pet. f. April 30.  
 FRIEND, JOHN, Croydon, Surrey, thatcher, May 19. Off. Ass. Cannan; Sol. Bickley, 32, King William-street, City.—Pet. f. May 2.  
 HAMER, DAVID, St. John-street, Clerkenwell, assistant to a milkman, May 26. Off. Ass. Stansfeld; Sol. Buchanan, 13, Basinghall-street.—Pet. f. May 1.  
 JOLLIFFE, JAMES, Ventnor, Isle of Wight, grocer, May 19. Off. Ass. Cannan; Sols. Peck & Co., 10, Basinghall-street.—Pet. f. April 30.  
 JONES, ROBERT JAMES, Dunstable, Bedfordshire, coal merchant, May 26. Off. Ass. Stansfeld; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. May 2.  
 LITTLEJOHN, EDWIN, Norwood, builder, May 23. Off. Ass. Edwards; Sol. Gant, 37, Nicholas-lane.—Pet. f. April 30.  
 MACINTYRE, WILL, Lee, Kent, merchant, May 21. Off. Ass. Graham; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. May 1.  
 MORRIS, FREDERICK, Victoria-terrace, Old Kent-road, Surrey, and St. Laurence, near Ramsgate, Kent, breakmen to the South-eastern Railway Company, May 19. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 1.  
 NEWMAN, GEORGE MARSTON, James-street, Oxford-street, and King-street, Regent-street, general dealer, May 21. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 29.  
 NIXSON, JOSEPH WILLIAM, Cornwall-terrace, Middleton-road, Dalston, out of business, May 21. Off. Ass. Graham; Sols. Preston & Co., 13, Gresham-street.—Pet. f. May 1.  
 PARKINS, JOHN, Ewin's-terrace, Wick-road, Homerton, out of business, May 19. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 30.  
 POTTER, THOMAS, New Southsea, Hampshire, master in her Majesty's Royal Navy, May 21. Off. Ass. Graham; Sols. Lawrence & Co., Old Jewry-chambers.—Pet. f. April 30.  
 ROFFEY, BENJAMIN, Grange-walk, Bermondsey, bricklayer, May 21. Off. Ass. Graham; Sol. Marshall, 19, Lincoln's-inn-fields.—Pet. f. May 1.  
 ROSE, LOUIS, Regent-street, Oxford-street, hair dresser, May 23. Off. Ass. Edwards; Sol. Hudson, 2, Great James-street, Bedford-row.—Pet. f. May 1.  
 SATTER, CHARLES, High-street, Borough, Southwark, horse dealer, May 21. Off. Ass. Stansfeld; Sol. Buchanan, 13, Basinghall-street.—Pet. f. May 2.  
 SEAW, JAMES FRILLING, Cold Harbour-lane, Camberwell, beer-shop keeper, May 23. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 1.  
 SMITH, SIDNEY, Bromley, Kent, barrister's clerk, May 19. Off. Ass. Cannan; Sol. Waldron, 59, Lamb's Conduit-street.—Pet. f. April 30.  
 TRICK, HENRY, Old Brentford, toy dealer, May 21. Off. Ass. Graham; Sol. Chidley, 25, Old Jewry.—Pet. f. April 29.  
 WELCH, JOHN GEORGE WILLIAM, Bistene-place, Poplar, commercial clerk, May 23. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. April 29.  
 WICKETT, WILLIAM HOOVER, York-street, Westminster, baker, May 23. Off. Ass. Graham; Sol. Peverley, 19, Coleman-street.—Pet. f. May 4.

#### To be heard in the Country.

BAILEY, JAMES, Bristol, out of business, May 15, Bristol. Off. Ass. Harley; Sol. Hill.—Pet. f. April 30.  
 BAILS, JAMES, Middenhall, Suffolk, omnibus proprietor, May 18, Middenhall. Off. Ass. Reed; Sol. York, Newmarket.—Pet. f. April 30.  
 BARNAM, CHARLES HASLETON, Northfleet, Kent, plumber, May 14, Gravesend. Off. Ass. Southgate; Sol. Sharland, Gravesend.—Pet. f. April 29.

BARRETT, CORNELIUS, Wrexham, Denbighshire, wine merchant, May 15, Liverpool. Off. Ass. Morgan; Sol. Jones, Wrexham.—Pet. f. May 2.  
 BAYLEY, WILLIAM, West Bromwich, Staffordshire, coal merchant, May 25, Birmingham. Off. Ass. Whitmore; Sol. Duignan & Co., Walsall.—Pet. f. April 27.  
 BELL, JOHN THOMAS WILLIAM, Newcastle-upon-Tyne, civil engineer, May 27, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Bush, Newcastle-upon-Tyne.—Pet. f. May 2.  
 BODDINGTON, EDWIN HENRY, Merton, Surrey, artist, May 16, Guildford. Off. Ass. Marshall; Sol. White, 8, Danes-lane, Strand, and Guildford.—Pet. f. April 29.  
 BOOTH, JONAS, Manchester, relieving officer, June 3, Manchester. Off. Ass. Hernaman; Sol. Leigh, Manchester.—Pet. f. April 30.  
 COCKBURN, REV. GEORGE ALEXANDER, Pickering, Yorkshire, clerk, May 21, Leeds. Off. Ass. Young; Sols. Richardson & Co., York; Bond & Co., Leeds.—Pet. f. May 1.  
 COOK, CHARLES, Birmingham, out of business, June 15, Birmingham. Off. Ass. Guest.—Pet. f. April 14.  
 CROSLAND, CHARLES, Wakefield, Yorkshire, corn porter, May 23, Wakefield; Off. Ass. Mason; Sol. Gill, Wakefield.—Pet. f. May 1.  
 CROUCH, JAMES, Salehurst, Sussex, farm bailiff, May 14, Hastings. Off. Ass. Young; Sol. Langham, Hastings.—Pet. f. April 30.  
 ELSTON, THOMAS, Lincoln, builder, May 14, Lincoln. Off. Ass. Appleby; Sols. Brown & Co., Lincoln.—Pet. f. April 30.  
 FEARNLEY, JOHN, Leeds, cloth manufacturer, May 23, Leeds. Off. Ass. Carrick; Sols. Bond & Co., Leeds.—Pet. f. April 30.  
 FLETCHER, JOHN, Oldbury, Worcestershire, charter master, May 25, Birmingham. Off. Ass. Kinnear; Sol. Glover, Walsall.—Pet. f. May 1.  
 FOWLER, EDWIN HAND, Grimoldby, Lincolnshire, out of business, May 15, Louth. Off. Ass. Waite; Sols. Brown & Co., Lincoln.—Pet. f. April 28.  
 GRAY, THOMAS, Nottingham, carpenter, May 27, Nottingham. Off. Ass. Patchitt; Sol. Buttery, Nottingham.—Pet. f. April 27.  
 HARRISON, THOMAS, Whittlesey, Isle of Ely, butcher, May 16, Peterborough. Off. Ass. Gaches; Sol. Law, Stamford.—Adj. Feb. 26.  
 HAYES, WILLIAM, Langtoft, Lincolnshire, farmer, May 15, Bourn. Off. Ass. Bell; Sol. Laxton, Stamford.—Pet. f. April 30.  
 HAYNES, JOSEPH, Derby, lodging-house keeper, May 20, Derby. Off. Ass. Weller; Sol. Leech, Derby.—Pet. f. May 1.  
 HEARN, GEORGE, Stoke Saint Gregory, Somersetshire, in no business, May 14, Langport. Off. Ass. Warren; Sol. Taunton, Taunton.—Pet. f. April 28.  
 HOOVER, CHARLES, Dymock, Gloucestershire, out of business, May 19, Newent. Off. Ass. Cooke; Sol. Wilkes, Gloucester.—Pet. f. May 2.  
 HUGHES, DAVID, Wrexham, Denbighshire, cabinet maker, May 15, Liverpool. Off. Ass. Turner; Sol. Jones, Wrexham.—Pet. f. May 1.  
 HUSBY, RICHARD, Bristol, out of business, May 15, Bristol. Off. Ass. Harley; Sol. Hill, Bristol.—Pet. f. April 30.  
 JONES, EDWARD, Bala, Merionethshire, builder, May 15, Liverpool. Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. May 1.  
 KILLINGBACK, HARRIST, Peckthorpe, Norwich, fowl dealer, May 18, Norwich. Off. Ass. Palmer; Sol. Sudd, Norwich.—Pet. f. May 2.  
 KINGSDOMER, SAMUEL, Liverpool, discount of seamen's notes, May 22, Liverpool. Off. Ass. Morgan; Sol. Neville, Liverpool.—Pet. f. May 1.  
 KIRKLAND, GEORGE, Middlewich, Cheshire, schoolmaster, May 16, Sheffield. Off. Ass. Young; Sol. Clarke, Leeds.—Pet. f. May 1.  
 LLEWELLYN, WILLIAM, Bodenham, Herefordshire, out of business, May 25, Birmingham. Off. Ass. Whitmore; Sol. Parry, Birmingham.—Pet. f. April 30.  
 MASEY, JAMES, Birmingham, out of business, June 15, Birmingham. Off. Ass. Guest; Sol. Corles, Birmingham.—Pet. f. May 1.  
 MASTER, RICHARD, Birmingham, commercial traveller, June 15, Birmingham. Off. Ass. Guest; Sols. Powell & Co., Birmingham.—Pet. f. May 2.  
 MAYNARD, JOHN, Tavistock, Devonshire, innkeeper, May 18, Tavistock. Off. Ass. Bridgman; Sol. Chilcott, Tavistock.—Pet. f. May 1.  
 MILNES, CHARLES, Bacup, Lancashire, out of business, May 19, Manchester. Off. Ass. Pott; Sol. Richardson, Manchester.—Pet. f. May 2.  
 MUNDY, THOMAS, Ilfley, Oxfordshire, butler of Magdalen College, May 18, Oxford. Off. Ass. Dudley; Sol. Hurford, Oxford.—Pet. f. April 30.  
 PICKERING, JOHN WILSON, Blackburn, Lancashire, licensed victualler, May 6, Manchester. Off. Ass. Hernaman; Sols. Smith & Co., Manchester.—Pet. f. May 2.  
 POLLARD, WILLIAM, Hastings, Sussex, bookbinder, May 14, Hastings. Off. Ass. Young; Sol. Langham, Hastings.—Pet. f. April 30.  
 POLLOCK, JAMES MURDOCH, Catterick, Yorkshire, schoolmaster, May 21, Leeds. Off. Ass. Young; Sols. Huxton & Co., Richmond; Bond & Co., Leeds.—Pet. f. April 30.  
 PRATT, ISAAC, Ipswich, out of business, May 18, Ipswich. Off. Ass. Pretymann; Sol. Moore, Ipswich.—Pet. f. May 2.  
 RAWLIN, JOHN KEDMAN, Swinton, Yorkshire, beer-house keeper, June 4, Rotherham. Off. Ass. Newman; Sol. Hirst, Rotherham.—Pet. f. May 1.  
 RECKLESS, ALFRED, Rawmarsh, near Rotherham, Yorkshire, beer-house keeper, June 4, Rotherham. Off. Ass. Newman; Sol. Binney, Sheffield.—Pet. f. May 1.  
 RUMSEY, THOMAS, Peasenhall, Suffolk, wheelwright, May 19, Halesworth. Off. Ass. Baas; Sols. Moseley & Co., Framlingham.—Pet. f. April 28.  
 SHILLINEER, WILLIAM LAWRENCE, Bristol, beer retailer, May 15, Bristol. Off. Ass. Harley; Sol. Hill.—Pet. f. April 30.  
 SORPETH, THOMAS, Darlington, Durham, butcher, May 15, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Storey, Newcastle-upon-Tyne.—Pet. f. April 28.  
 STOKES, ROBERT, Derby, chenille manufacturer, May 19, Nottingham. Off. Ass. Harris; Sol. Leech, Derby.—Pet. f. April 29.

**SWANROCK, CHARLES**, Laughton-en-le-Northern, Yorkshire, out of business, June 4, Rotherham. *Off. Ass. Newman*; *Sol. Hirst*, Rotherham.—*Pet. f. May 1.*

**TAYLOR, WILLIAM**, Middlesborough, Yorkshire, tripe dresser, May 18, Stockton. *Off. Ass. Crosby*; *Sol. Dobson*, Middlesborough.—*Pet. f. May 2.*

**WIGLESWORTH, THOMAS**, Flaxley, Gloucestershire, doctor of medicine, May 15, Bristol. *Off. Ass. Miller*; *Sol. Taynton*, Gloucester.—*Pet. f. May 1.*

**WILDSMITH, JOHN**, Worsborough Dale, near Barnsley, Yorkshire, innkeeper, May 28, Barnsley. *Off. Ass. Shepherd*; *Sol. Hamer*, Barnsley.—*Pet. f. April 30.*

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## GAZETTES.—FRIDAY, May 8.

## BANKRUPTS.

*To be heard in London.*

ANDRADE, BENJAMIN, Caledonian-road, butcher, May 26. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 6.

BARROW, ROBERT WYLD, Abridge, Essex, out of business, June 1. Off. Ass. Edwards; Sol. Reed, 1, Guildhall-chambers.—Pet. f. May 2.

BENTON, FREDERICK WILLIAM, Aldersgate-street, fancy-box manufacturer, May 26. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 6.

BINNS, ANDREW, Plumstead, out of business, June 1. Off. Ass. Edwards; Sol. Rogers & Co., 31, Lincoln's-inn-fields; Brown & Co., Lincoln.—Pet. f. May 4.

BORCHARDT, MORITZ, Soho-square, commission-agent, May 26. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 5.

BROADHURST, HENRY, Senior-street, Westbourne-square, Paddington, butcher, May 26. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 6.

BROWN, JOHN BAILEY, St. Peterburgh-place, Bayswater, and Thread-needle-street, City, merchant, May 26. Off. Ass. Edwards; Sol. Richardson, 15, Old Jewry-chambers.—Pet. f. May 2.

BUTLER, EDWARD HENRY, Deptford, Kent, rag merchant, May 23. Off. Ass. Cannan; Sol. Harrison, 61, Basinghall-street.—Pet. f. May 4.

CARTWRIGHT, JAMES NATHANIEL, Lawrence Pountney-lane, City, and Grosvenor-villas, Loughborough-road, Brixton, Surrey, solicitor, May 19. Off. Ass. Stansfeld; Sol. Chidley, 25, Old Jewry.—Pet. f. May 4.

CHAPMAN, CHARLES, Sloane-street, upholsterer, May 26. Off. Ass. Stansfeld; Sol. Shirreff, 3, Philipot-lane.—Pet. f. May 5.

CLARKE, ROBERT LYON, Cavendish-street, New North-road, out of business, May 25. Off. Ass. Graham; Sol. Maddock, Serjeant's-inn, Temple.—Pet. f. May 4.

CORKE, EMANUEL, Wentworth-street, Spitalfields; Gravel-lane, Houndsditch; and Margate, Kent, confectioner, June 1. Off. Ass. Edwards; Sol. Solomon, 23, Finsbury-place.—Pet. f. May 5.

COOKE, FREDERIC, Hilton, near St. Ives, out of business, May 23. Off. Ass. Edwards; Sol. Wells, 47, Moorgate-street.—Pet. f. May 4.

DAWES, HENRY, Willes-road, Kensish-town, contractor, May 26. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 6.

DIBLEY, JAMES, Grosvenor-place, Grosvenor-park, Camberwell, grocer, May 26. Off. Ass. Cannan; Sol. Harcourt, 2, King's Arms-yard, Coleman-street.—Pet. f. May 6.

EDERHEIM, MARK, Eastcheap, merchant, May 26. Off. Ass. Graham; Sol. Greenhill & Co., 63, Gracechurch-street.—Pet. f. May 4.

HOOMAN, THOMAS, Oxford-street, glass-letter manufacturer, May 26. Off. Ass. Cannan; Sol. Buchanan, Basinghall-street.—Pet. f. May 4.

JENNINGS, COLLINS, Gutter-lane, City, commission agent, May 26. Off. Ass. Stansfeld; Sol. Harrison & Co., 24, Old Jewry.—Pet. f. May 5.

KETCHER, WILLIAM HENRY ROGERS, Billericay, Essex, chemist, May 25. Off. Ass. Graham; Sol. Fisher, 39, Moorgate-street.—Pet. f. May 6.

KNOWLES, HENRY WALTER, Barking, Essex, out of business, May 26. Off. Ass. Cannan; Sol. Harrison, 61, Basinghall-street.—Pet. f. May 5.

LE MOINE, AUGUSTE WILHELM, Lawrence Pountney-hill, Russian agent, May 26. Off. Ass. Stansfeld; Sol. Lewin & Co., 32, Southampton-street, Strand.—Pet. f. May 4.

MACLAGAN, JAMES, Tottenham-road, Kingland, baker, May 26. Off. Ass. Stansfeld; Sol. Reed, 1, Guildhall-chambers.—Pet. f. May 5.

MAXTED, HENRY GEORGE, Milton-next-Gravesend, tobacconist, May 21. Off. Ass. Graham; Sol. Wright, 125, Chancery-lane.—Pet. f. May 4.

MILDMAY, EVERARD ST. JOHN, Old Charlton, Kent, and Mincing-lane, City, wine merchant, May 26. Off. Ass. Stansfeld; Sol. Nichols & Co., 9, Crook's-court, Lincoln's-inn.—Pet. f. May 6.

MYERS, HENRY, Cumberland-place, Newington-butts, Surrey, chair maker, May 25. Off. Ass. Graham; Sol. Sydney, 33, Jewry-street, Aldgate.—Pet. f. May 6.

NEWELL, FREEMAN, Montpellier-road, Twickenham, out of business, May 26. Off. Ass. Cannan; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. May 5.

NORRIS, JAMES, Forest-gate, Essex, of no business, May 25. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 6.

PANKHURST, PETER, and PANKHURST, THOMAS, Isleworth, Middlesex, and Mortlake, Surrey, wheelwrights, May 25. Off. Ass. Graham; Sol. Lewis, Great Marlborough-street.—Pet. f. May 5.

PEPPER, TONIAM, Newington-green, Middlesex, actuary, May 24. Off. Ass. Stansfeld; Sol. Voules, 16, Gresham-street.—Pet. f. May 4.

PRATTEN, FRANCIS, Sheerness, Kent, licensed victualler, May 26. Off. Ass. Cannan; Sol. Drake, 13, Gresham-street.—Pet. f. May 6.

ROBERTS, JOSEPH, High-street, Whitechapel, and Queen's-buildings, Knightsbridge, linen-draper, June 1. Off. Ass. Edwards; Sol. Drew, 4, New Basinghall-street.—Pet. f. April 30.

ROWAN, RICHARD ENGLAND, Camden-street, Camden-town, commission agent, May 21. Off. Ass. Stansfeld; Sol. Peddell, 63, Chancery-lane.—Pet. f. May 4.

SARGENT, MATTHEW, Hastings, Sussex, baker, May 26. Off. Ass. Edwards; Sol. Soles & Co., Aldermanbury.—Pet. f. May 5.

SCHWAB, WILHELM, Harrison-street, Gray's-inn-road, out of business, May 26. Off. Ass. Edwards; Sol. Massey, 8, Carey-street, Charing-cross.—Pet. f. May 5.

SMITH, HENRY, Gosport, Hampshire, grocer, May 26. Off. Ass. Cannan; Sol. Paffard, Portsea; Jones, 5, New-lane, Strand.—Pet. f. May 4.

STUEBEL, EDWARD ARTHUR, Sovereign-mews, Cambridge-street, Edgeware-road, in no business, May 26. Off. Ass. Edwards; Sol. Phipps, 20, Coleman-street.—Pet. f. May 5.

SULLIVAN, SIR CHARLES, Bart., Haymarket, flag lieutenant, May 26. Off. Ass. Cannan; Sol. Lawrence & Co., 14, Old Jewry chambers.—Pet. f. May 5.

WARRER, THOMAS WOODCOCK, Great Dunmow, Essex, ironmonger, May 25. Off. Ass. Cannan; Sol. Webster, 5, Serjeant's-inn, Fleet-street.—Pet. f. May 4.

WEST, WILLIAM, Greenwich, Kent, out of business, May 26. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 5.

WHITE, THOMAS, Brill-row, Somers'-town, shoemaker, May 25. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 5.

WILLIAMS, DAVID, Llandigan, Carmarthenshire, May 25. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. April 9.

*To be heard in the Country.*

AGARS, JAMES, Carlisle, coal agent, May 22, Carlisle. Off. Ass. Halton; Sol. Donald, Carlisle.—Pet. f. April 22.

BICKERDIXE, JOHN, Huddersfield, Yorkshire, innkeeper, May 23, Huddersfield. Off. Ass. Jones; Sol. Learoyd, Huddersfield.—Pet. f. April 28.

BICKWELL, CHARLES, Walsall, Staffordshire, in no business, May 23, Birmingham. Off. Ass. Kinnear, Sol. Brevitt, Darlaston.—Pet. f. May 5.

BOUNDT, THOMAS, Swansea, Glamorganshire, beerhouse keeper, May 19, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. May 6.

BROOK, JAMES, Huddersfield, Yorkshire, innkeeper, May 28, Huddersfield. Off. Ass. Jones; Sol. Sykes, Huddersfield.—Pet. f. April 30.

CRILVER, CHARLES, Clenchwarton, Norfolk, steam-thrashing engine proprietor, May 26, King's Lynn. Off. Ass. Wilson; Sol. Beale, King's Lynn.—Pet. f. May 6.

CHINN, JOSEPH, Weston-sayland, Somersetshire, labourer, May 27, Bridgwater. Off. Ass. Lovibond; Sol. Reed, Bridgwater.—Pet. f. May 4.

CORBISLEY, THOMAS, Runcorn Gap, Lancashire, joiner, May 21, Warrington. Off. Ass. Nicholson. Adj. April 20.

DAWSON, LANGLEY, Chorlton-upon-Medlock, Manchester, out of business, June 15, Manchester. Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. May 6.

DAY, JAMES, Wrentham, Norfolk, farmer, May 28, Wymondham. Off. Ass. Feltham; Sol. Chitcock, Wymondham.—Pet. f. May 5.

DE REDDEN, MATTHEW, South Shields, Durham, butcher, May 22, South Shields. Off. Ass. Wawn; Sol. Wawn, South Shields.—Pet. f. May 1.

DULVET, JAMES, New Brompton, Kent, surgeon, May 22, Rochester. Off. Ass. Acworth; Sol. Hayward, Rochester.—Pet. f. May 5.

DUXBURY, THOMAS, Preston, Lancashire, bolt manufacturer, May 22, Manchester. Off. Ass. Fraser; Sol. Leigh, Manchester.—Pet. f. May 4.

EDSON, GEORGE, Otley, Yorkshire, labourer at gas-works, May 23, Otley. Off. Ass. Carr; Sol. Tiddall, Otley.—Pet. f. April 24.

EDYE, JOHN, Exeter, surgeon, May 23, Exeter. Off. Ass. Hirtzel; Sol. Terrell, Exeter.—Pet. f. May 5.

ELLIS, JOHN, Bangor, Carnarvonshire, brewer, May 22, Liverpool. Off. Ass. Turner; Sol. Dodge & Co., Liverpool.—Pet. f. May 4.

ELLIS, WILLIAM JOHN, Nottingham, lace manufacturer, May 27, Nottingham. Off. Ass. Patchitt; Sol. Brown, Nottingham.—Pet. f. May 4.

EVANS, GEORGE, St. John-juxta-Swansea, Glamorganshire, haulier, May 19, Swansea. Off. Ass. Morris; Sol. Tripp, Swansea.—Pet. f. May 6.

FORD, WILLIAM, Duffield, Derbyshire, miller, May 19, Nottingham. Off. Ass. Harris; Sol. Ashwell, Nottingham.—Pet. f. May 7.

FORESBURY, JOHN, Loughborough, Leicestershire, of no occupation, May 23, Loughborough. Off. Ass. Brock; Sol. Deane, Loughborough.—Pet. f. May 6.

HARRISON, JOHN, Carlisle, Cumberland, farmer, May 22, Carlisle. Off. Ass. Halton; Sol. Wannop, Carlisle.—Pet. f. May 2.

HEATHCOTE, THOMAS, Derby, out of business, May 19, Nottingham. Off. Ass. Harris; Sol. Briggs, Nottingham.—Pet. f. May 5.

HIRONS, WILLIAM, Birmingham, Jeweller, May 22, Birmingham. Off. Ass. Whitmore; Sol. Suckling, Birmingham.—Pet. f. May 1.

HOLDBACK, EDWIN, Birmingham, gun finisher, June 15, Birmingham. Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. May 5.

JONES, JAMES, Handsworth, Staffordshire, commission agent, June 15, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. May 5.

JONES, WILLIAM, Bala, Merionethshire, flour dealer, May 21, Liverpool. Off. Ass. Morgan; Sol. Evans & Co., Liverpool.—Pet. f. May 7.

LANGEAN, FRANCIS, Birmingham, shoemaker, June 15, Birmingham. Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. May 5.

LOWE, FREDERICK, Derby, joiner, May 20, Derby. Off. Ass. Weller; Sol. Smith, Nottingham.—Pet. f. April 17.

MELLIN, JAMES, Cleator Moor, Cumberland, clogger, May 20, Whitehaven. Off. Ass. Hodgkin; Sol. Webster, Whitehaven.—Pet. f. May 3.

MILLER, WALTER, Norwich, baker, May 25, Norwich. Off. Ass. Palmer; Sol. Culley, Norwich.—Pet. f. May 5.

MOORE, GEORGE, Harting, Sussex, miller, May 18, Midhurst. Off. Ass. Johnson; Sol. White, 8, Dane's-lane, London, and Guildford, Surrey.—Pet. f. April 27.

MORGAN, DAVID, Brighton, physician, May 27, Brighton. Off. Ass. Everashed; Sol. Goodman, Brighton.—Pet. f. May 6.

NICHOLSON, ROBERT, Great Driffield, Yorkshire, shoemaker, May 15, Great Driffield. Off. Ass. Cowyers; Sol. Allen, Great Driffield.—Pet. f. May 1.

OWEN, THOMAS, Haydock, Lancashire, collier, May 21, Warrington. Off. Ass. Nicholson; Sol. Roberts, Manchester.—Pet. f. April 29.

PICKERING, JOHN WILSON, Blackburn, Lancashire, licensed victualler, May 19 (and not the 6th, as before advertised). Off. Ass. Harman; Sol. Smith & Co., Manchester.—Pet. f. May 2.

[For continuation of Gazette, see p. 179.]

## CONTENTS.

London Gazette.....	174
Leading Article.....	175
Imperial Parliament.....	176
Court Papers:—Equity Sittings, Trinity Term, 1863..	177
Common-law Sittings in and after Trinity Term, 1863 .....	178

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By R. BULLOCK, Barrister at Law.

The Florence Nightingale.—The Meander.—( <i>The Merchant Shipping Act, 1854 (17 &amp; 18 Vict. c. 104), s. 291—Narrow channel—Meaning of term—Steam-ship—Collision</i> ) .....	475
--	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Lacon v. Liffen.—( <i>Bill of sale for old debt and future advances—Bankruptcy—Order and disposition</i> ) .....	477
Edelston v. Edelston.—( <i>Trade-mark—Imitation of—Proposals for compromise anterior to institution of suit</i> ) .....	479

## COURT OF APPEAL IN CHANCERY.

By C. MARRETT, Barrister at Law.

Eno v. Tatam.—( <i>Will—Mortgaged estate—Exoner-ation</i> ) .....	481
Hanslip v. Kitton.—( <i>Practice—Production</i> ) .....	482

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Lechmere v. Clapp.—( <i>Foreclosure—Attendance to receive mortgage money</i> ) .....	482
Hall v. Barrows.—( <i>Trade-mark—Partnership—Dis-solution</i> ) .....	483

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARRETT, Barrister at Law.

Scholefield v. Redfern.—( <i>Will—Annuity or legacy—Income—Tenant for life—Remainderman</i> ) ....	485
--	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Prideaux v. Lonsdale and Others.—( <i>Settlement by lady before marriage set aside—Marital right of husband—Acquiescence—Conduct of a law stationer—Costs</i> ) .....	488
---	-----

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCE, Barrister at Law.

Knight v. Cory.—( <i>Practice—Security for costs—Plaintiff's place of residence</i> ) .....	491
Rolfe v. Perry.—( <i>Divorces à menso, &amp;c.—Husband in-testate—Statute of Distributions—Divorced wife's share</i> ) .....	491

## COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Toms v. Wilson and Another.—( <i>Bill of sale—Con-struction—Covenant to pay money "immediately on demand"—Reasonable time for payment</i> ) ..	492
Brightley v. Norton.—( <i>Bill of sale, construction of—Reasonable notice</i> ) .....	495

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Pedder v. The Mayor, &c. of Preston.—( <i>Pleading—Set-off—Local board of health</i> ) .....	496
--	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Mills v. Bayley.—( <i>Submission to arbitration—Revo-cation</i> ) .....	499
Watson v. Pearson and Another.—( <i>Agreement to charge reasonable sum—Pleading</i> ) .....	501
Waller, Administratrix, v. The South-eastern Railway Company.—( <i>Liability of master to servant for negligence of another servant—Doctrines in Priest-ley v. Fowler</i> ) .....	501

## THE JURIST.

LONDON, MAY 16, 1863.

THERE have been of late some very interesting decisions upon the subject of ancient lights, and the difference of opinion which appears to exist among the judges upon some rather important points, shew that the law with reference to this easement is not in quite so settled a state as it ought to be.

Before examining the cases in which doubts have been raised, it may be well to state briefly the law relating to the easement of lights, so far as it is plain and undisputed.

Each of the owners of conterminous lands has a right to build at the extremity of his own ground, either a wall or a house, with or without windows, looking over the ground of his neighbour. Within twenty years, however, the neighbour has a right to build a wall or house, or make any other erection upon his own ground; nor can the person who first built complain that the access of light to his windows is thereby either wholly or partially excluded.

But if twenty years have elapsed since a person who has built a house on the extremity of his own land, and his neighbour has by no erection interfered with the access of light to the windows of such house, they acquire the character of what are termed *ancient lights*; and the owner of the land on which the house stands has a negative easement which enables him to prevent

his neighbour from doing any act whereby such lights can be obstructed.

Suppose, however, that the owner of the house makes new lights, either by increasing the size of the old windows, adding a storey to his house, with new windows, or by extending the house laterally, with new windows overlooking a different part of his neighbour's ground, it is clear that if twenty years be allowed to elapse without any interference with these new or altered lights, they will acquire the character of ancient lights, and cannot be obstructed.

What right, then, has the owner of the land opposite, in the meantime, to prevent their acquiring that character, to the injury of his own property?

In the case of *Renshaw v. Bean* (16 Jur., part 1, p. 814), which was decided by Lord Campbell, C.J., and Patte-son, Coleridge, and Wightman, J.J., after a full argu-ment and consideration, it was laid down, that where the owner of the dominant tenement has opened new lights in such a way that the owner of the servient tenement cannot prevent the right to the new lights from being gained, as against him, without obstructing the old, he is allowed to ob-struct, and is excused from obstructing, the old lights, to such an extent, as is necessary for him to do so, in order to prevent the usurpation of the new lights. (See also *Wilson v. Townend*, 1 Drew. & S. 324, 330; 6 Jur., N. S., part 1, p. 1109; *Hutchinson v. Copestake*, 8 C. B., N. S., 102; 9 C. B., N. S., 863; and *Binckes v. Pash*, 11 C. B., N. S., 824). Assuming that a case has occurred in which the owner

of the servient tenement is justified in erecting an obstruction to old and new lights, *can he lawfully continue it after he has notice that the owner of the dominant tenement has closed up the new windows, and restored those altered, to their original position and dimensions?*

Lord Campbell, in the case of *Renshaw v. Bean*, expressly lays it down, that where the owner of the servient tenement has obstructed ancient lights, which have been altered, the owner of the dominant tenement must be considered to lose the former right which he had; *at all events, until he shall, by himself doing away with the excess, and restoring his windows to their former state, throw upon the defendant the necessity of so arranging his buildings as not to interfere with the admitted right.*

This last point was actually raised in the case of *Jones v. Tapping* (11 C. B., N. S., 283; 8 Jur., N. S., part 1, p. 333; aff. on app., 9 Jur., N. S., part 1, p. 462). There the plaintiff, being possessed of a house of three storeys, with a window in each, lowered and enlarged the windows on the first and second floors, and added two new storeys to the building, with windows therein. The altered windows on the first and second floors each occupied in part the space before occupied by the ancient windows, the window on the third floor remaining as it had always been. The defendant, in rebuilding his premises opposite, obstructed the whole of the plaintiff's windows, it being impossible (as found in a special case) to obstruct the new lights without at the same time obstructing the old ones. The plaintiff thereupon stopped up the new windows, and restored the old ones to their original state, and then required the defendant to remove the obstruction. It was held, by Byles and Keating, J.J., that the obstruction being lawful at the time of its erection, the defendant was not bound to remove it on the plaintiff's closing up his new and usurped lights. On the other hand it was held, by Erle, C. J., and Williams, J., that the continuance of the obstruction after the cause for its erection had been withdrawn was an unlawful act. The Court being equally divided, the junior judge, Keating, J., withdrew his opinion, and a decision was given in favour of the plaintiff, in order that an appeal might be brought to the Exchequer Chamber, where the decision of the Court below, in favour of the plaintiff, was affirmed by the majority of the Court, consisting of Wightman, Crompton, and Blackburn, J.J., and Bramwell, B., against the dissent of Pollock, C. B., and Martin, B. All the judges, however, both in the court below and in the Exchequer Chamber, except Blackburn, J., and Bramwell, B., proceeded upon the assumption that the decision of the Court of Queen's Bench in *Renshaw v. Bean* was sound law; the two latter judges, although it was not necessary for the decision of *Jones v. Tapping* to express any positive judicial opinion upon the point, in judgments which may be described as being rather long than luminous, attempted—but we think with signal want of success—to demonstrate that the decision in *Renshaw v. Bean* was altogether wrong. If, however, it were eventually held to be so, "it must," as Crompton, J., well observed, "follow inevitably that the party who has acquired, by the acquiescence or non-obstruction of his neighbour, a right to light through a single pane of glass, might open as many windows as he liked in a case like *Jones v. Tapping*, and the owner of the servient tenement could have no possible means of preventing the usurpation, as by the hypothesis, the new lights could not be obstructed without some interference with the old ones." A rule leading to results so unjust and absurd, never will, we may safely predict, be part of the law of the

land. Putting the judgments of Blackburn, J., and Bramwell, B., out of the question, the other judges, who differed upon the point actually decided in *Jones v. Tapping*, do not seem to have disagreed so much upon a question of law as upon the inference to be drawn from certain facts. It was admitted by Crompton, J., that if there had been an intention on the part of the owner of the dominant tenement, manifested entirely and permanently to abandon his right to ancient lights, the defendant would have had a right to raise a permanent building, but that, as no such intention was manifested, his justification extended no further than to allow him to obstruct, whilst the occasion for so doing remained; and that when the occasion ceased, and the lights were restored to their original state, he, as occupier of the land, was liable for keeping an obstruction to the lights of his neighbour. With this reasoning Wightman, J., concurred. Pollock, C. B., on the other hand (with whom Martin, B., agreed), thought that where the claim to new lights is made by the erection of a permanent building, it is to be treated as an abandonment of the former limited right obtained by user or grant, and that the neighbour may erect a permanent obstruction. "If, then," he adds, "the party entitled to light, perceiving his error, pulls down his new house, and restores the building as it was before, with such lights only as had been granted or used, he cannot maintain an action simply because his neighbour does not thereupon pull down the obstruction; the obstruction was lawful when erected, and it seems contrary to justice and to all the analogies which the law of England furnishes, that a matter which was lawfully erected, shall become unlawful at the option, and by the act, of the party whose encroachment gave rise to and justified it."

Although the question is one of great difficulty, we are, on the whole, inclined to think the views of Erle, C. J., and Williams, J., in the Court of Common Pleas, and of Crompton and Wightman, J.J., in the Exchequer Chamber, are supported by the most weighty reasons; because the plaintiff, in *Jones v. Tapping*, by his acts, far from shewing an intention of abandoning any existing right to light, as he might have done, perhaps, by building a dead wall, was evidently endeavouring to obtain an increase of light. The defendant, therefore, although he had a right, according to the decision of *Renshaw v. Bean*, to obstruct the lights as altered, was only able to do so whilst they continued in a state not justified by the privilege which the owner had acquired by user. Upon their being reduced to that state, he was no longer justified in obstructing the easement which had never been abandoned; and in most, if not in all, such cases, the hardship inflicted on the owner of the servient tenement by the law, as laid down in the Exchequer Chamber, is not great, inasmuch as the purposes of obstruction may be answered by a temporary, as well as by a permanent, structure.

### Imperial Parliament.

HOUSE OF COMMONS.—Thursday, May 7.  
The jurors remaneration bill was read a third time.

Monday, May 11.

#### DIVISION OF THE NORTHERN CIRCUIT.

Mr. Hadfield asked the Attorney-General whether the Government intended to make any and what alteration in the existing circuit arrangements; whether such arrangements would be completed before the next summer assizes, and would include a winter circuit, and in what places; and whether, on account of its extent and population, Yorkshire, like Lancashire, would have the privilege of assizes in three towns; and, particularly, whether the southern section of the county;



comprising the wapentake of Strathforth and Tickhill, would be allowed the privilege of an assize town.

The *Attorney-General* said that alterations in the existing circuit arrangements had been for some time under the consideration of the Government, and that some alteration should take place could not be doubted, but the difficulty was to determine upon the particular arrangements. Various projects had been under consideration; and within the last few days a written statement had been received by the Lord Chancellor from the Lord Chief Justice and the two other chief judges, containing important suggestions on the subject. These suggestions demanded the fullest consideration. Time had not been afforded for that consideration, and it was hardly likely that any arrangements would be completed before the next summer assizes. In this stage of the inquiry, the other questions put by the hon. gentleman were rather premature.

On the motion of the *Solicitor-General*, the church building and new parishes acts amendment bill was read a second time, and referred to a select committee.

*Tuesday, May 12.*

#### SECURITY FROM VIOLENCE BILL.

On the motion that this bill be read a third time, Mr. G. Duff moved, as an amendment, that the bill be read a third time upon that day six months.

Mr. Cox seconded the amendment.

After a few words from Mr. Newdegate and Mr. Hibbert, the House divided:—

For the third reading . . . . .	76
Against . . . . .	18

Majority for the Bill . . . . . 58

The bill was then read a third time and passed.

*Wednesday, May 13.*

The judgments law amendment bill, introduced by Mr. Hadfield, was thrown out on the second reading by a majority of 43 to 23.

The railway accidents compensation bill, introduced by Mr. J. Ferguson, was thrown out on the second reading by a majority of 90 to 70.

#### Court Papers.

#### EQUITY SITTINGS, TRINITY TERM, 1863.

##### Court of Chancery.

*Before the LORD CHANCELLOR.*

*At Lincoln's Inn.*

Friday .... May 23	Appeal Motions and Appeals.
Saturday ..... 23	Petitions and Appeals in Bankruptcy and Appeals.
Monday ..... 25	Appeals.
Tuesday ..... 26	Appeals.
Wednesday ..... 27	Appeals in Bankruptcy and Appeals.
Thursday ..... 28	Appeal Motions and Appeals.
Friday ..... 29	Appeals.
Saturday ..... 30	Appeals in Bankruptcy and Appeals.
Monday .... June 1	Appeals.
Tuesday ..... 2	Appeals.
Wednesday .... 3	Appeals in Bankruptcy and Appeals.
Thursday ..... 4	Appeal Motions and Appeals.
Friday ..... 5	Appeals.
Saturday ..... 6	No Sitting.—Her Majesty's Birthday kept.
Monday ..... 8	Appeals.
Tuesday ..... 9	Appeals.
Wednesday .... 10	Petitions and Appeals in Bankruptcy and Appeals.
Thursday ..... 11	Appeal Motions and Appeals.
Friday ..... 12	Appeals.

N. B.—Such days as his Lordship shall be engaged in the House of Lords are excepted.

*Before the LORDS JUSTICES.*

*At Lincoln's Inn.*

Friday .... May 23	Appeal Motions and Appeals.
Saturday ..... 23	
Monday ..... 25	Appeals.
Tuesday ..... 26	Appeals.
Wednesday .... 27	

Thursday ..... 28	Appeal Motions and Appeals.
Friday ..... 29	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday ..... 30	Appeals.
Monday .... June 1	Appeals.
Tuesday ..... 2	Appeals from the County Palatine of Lancaster and Appeals.
Wednesday .... 3	Appeals.
Thursday ..... 4	Appeal Motions and Appeals.
Friday ..... 5	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday ..... 6	No Sitting.—Her Majesty's Birthday kept.
Monday ..... 8	
Tuesday ..... 9	Appeals.
Wednesday .... 10	
Thursday ..... 11	Appeal Motions and Appeals.
Friday ..... 12	Petitions in Lunacy, Appeal Petitions, and Appeals.

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

*Before the MASTER OF THE ROLLS.*

*At Chancery-lane.*

Friday .... May 23	Motions and General Paper.
Saturday ..... 23	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 25	
Tuesday ..... 26	General Paper.
Wednesday .... 27	
Thursday ..... 28	Motions and General Paper.
Friday ..... 29	General Paper.
Saturday ..... 30	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .... June 1	
Tuesday ..... 2	General Paper.
Wednesday .... 3	
Thursday ..... 4	Motions and General Paper.
Friday ..... 5	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Saturday ..... 6	No Sitting.—Her Majesty's Birthday kept.
Monday ..... 8	
Tuesday ..... 9	General Paper.
Wednesday .... 10	
Thursday ..... 11	Motions and General Paper.
Friday ..... 12	Petitions, Short Causes, Adjourned Summonses, and General Paper.

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

*At Lincoln's Inn.*

Friday .... May 23	Motions, Adjourned Summonses, and General Paper.
Saturday ..... 23	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 25	
Tuesday ..... 26	General Paper.
Wednesday .... 27	
Thursday ..... 28	Motions, Adjourned Summonses, and General Paper.
Friday ..... 29	Petitions, Adjourned Summonses, and General Paper.
Saturday ..... 30	Short Causes, Adjourned Summonses, and General Paper.
Monday .... June 1	
Tuesday ..... 2	General Paper.
Wednesday .... 3	
Thursday ..... 4	Motions, Adjourned Summonses, and General Paper.
Friday ..... 5	Petitions, Adjourned Summonses, and General Paper.

Saturday .....	6	<i>No Sitting.—Her Majesty's Birthday kept.</i>
Monday .....	8	Short Causes, Adjourned Summonses, and General Paper.
Tuesday .....	9	General Paper.
Wednesday .....	10	
Thursday .....	11	Motions, Adjourned Summonses, and General Paper.
Friday .....	12	Petitions, Short Causes, Adjourned Summonses, and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.*

*At Lincoln's Inn.*

Friday ....	May 22	Motions, Causes, &c.
Saturday .....	23	Petitions, Short Causes, Causes, &c.
Monday .....	25	
Tuesday.....	26	} Causes, &c.
Wednesday ....	27	
Thursday .....	28	Motions, Causes, &c.
Friday .....	29	Petitions, Causes, &c.
Saturday .....	30	Short Causes, Causes, &c.
Monday ....	June 1	
Tuesday.....	2	} Causes, &c.
Wednesday ....	3	
Thursday .....	4	Motions, Causes, &c.
Friday .....	5	Petitions, Causes, &c.
Saturday .....	6	{ <i>No Sitting.—Her Majesty's Birth- day kept.</i>
Monday.....	8	
Tuesday.....	9	} Causes, &c.
Wednesday ....	10	
Thursday .....	11	Motions, Causes, &c.
Friday .....	12	Petitions, Motions, and Short Causes.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

No Cause, Motion for Decree, or Further Consideration shall, except by order of the Court, be marked to stand over, if it shall be within twelve of the last cause or matter in the printed paper of the day for hearing.

*Before the Vice-Chancellor Sir W. P. WOOD.*

*At Lincoln's Inn.*

Friday ....	May 23	Motions and General Paper.
Saturday .....	23	{ Petitions, Short Causes, and General Paper.
Monday.....	25	
Tuesday.....	26	
Wednesday ....	27	General Paper.
Thursday .....	28	Motions and General Paper.
Friday .....	29	General Paper.
Saturday .....	30	{ Petitions, Short Causes, and General Paper.
Monday....	June 1	
Tuesday.....	2	
Wednesday ....	3	General Paper.
Thursday .....	4	Motions and General Paper.
Friday .....	5	{ Petitions, Short Causes, and General Paper.
Saturday .....	6	
		<i>No Sitting.—Her Majesty's Birthday kept.</i>
Monday.....	8	{ General Paper.
Tuesday.....	9	
Wednesday ....	10	
Thursday .....	11	Motions and General Paper.
Friday .....	12	Petitions, Short Causes, and General Paper.

N. B.—Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put in the paper to be so heard.

## NISI PRIUS SITTINGS, IN AND AFTER TRINITY TERM, 1863.

### Court of Queen's Bench.

*In Term.*

MIDDLESEX.	LONDON.
1st sitting, Monday, May 25	1st sitting, Friday .. May 29
2nd sitting, Monday .. June 1	2nd sitting, Friday .. June 5
3rd sitting, Monday .....	8
For undefended causes only.	

*After Term.*

Saturday .....	June 13	Thursday .....	June 25
The Court will sit at ten o'clock every day.			

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

### Court of Common Pleas.

*In Term.*

MIDDLESEX.	LONDON.
Monday .....	May 25
Monday .....	June 1
Friday .....	May 29
Friday .....	June 5

*After Term.*

Saturday .....	June 13	Thursday .....	June 25
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The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

### Exchequer of Pleas.

*In Term.*

MIDDLESEX.	LONDON.
1st sitting, Monday, May 25	1st sitting, Friday .. May 29
2nd sitting, Monday .. June 1	2nd sitting, Friday .. June 5
3rd sitting, Monday .....	8

*After Term.*

Saturday .....	June 13	Thursday .....	June 25
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The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this Society was held at its rooms, 3, Waterloo-place, Pall-mall, on Monday, April 20, Mr. Serjeant Woolrych in the chair. Mr. A. Pulling stated, that the committee appointed to consider the resolutions which had been moved by Mr. Trower at a previous meeting on the subject of law reporting, had agreed to the following resolution:—"That it is desirable that a royal commission should issue to inquire and report what are the best means of improving the present system of law reporting; and that a deputation of this society should forthwith wait on the Lord Chancellor, the Chancellor of the Exchequer, and the Home Secretary, to lay the views of the society before them, and urge upon them the immediate adoption of this resolution." Mr. A. Pulling moved that the resolution of the committee be adopted by the society. Mr. T. Webster seconded the motion, which was carried unanimously. A discussion was held on Mr. Lefevre's paper, intitled "The Discipline of the Bar," in which Mr. H. Geale, Mr. Hastings, Mr. R. Stuart, Mr. T. Webster, Mr. W. S. Cookson, Mr. Montague Bere, Mr. Roher, Mr. Cust, and Mr. Lefevre took part. On the motion of Mr. Edgar, seconded by Mr. Hastings, a committee was nominated to consider and report on the subject treated of in Mr. Lefevre's paper.

The Queen has been pleased to appoint William Holloway, Esq., of the Madras civil service, to be a Judge of the High Court at Madras.

POOLER, ROBERT, Nottingham, draper's assistant, May 27, Nottingham. Off. Ass. Patchitt; Sols. Cowley & Co., Nottingham.—Pet. f. May 5.

POTT, ALFRED, Newton Heath, near Manchester, beer retailer, June 15, Manchester. Off. Ass. Kay; Sol. Leigh, Manchester.—Pet. f. May 6.

RICHARDSON, JOHN, Bedale, Yorkshire, cabinetmaker, May 25, Leeds. Off. Ass. Carrick; Sol. Prest, Leeds.—Pet. f. May 5.

RICKETTS, JOHN, Walsall, Staffordshire, licensed victualler, May 21, Walsall. Off. Ass. Clarke; Sol. Ebbworth, Wednesbury.

SHAW, JAMES, Birstal, Yorkshire, cotton spinner, May 21, Leeds. Off. Ass. Young; Sols. Floyd & Co., Huddersfield; Bond & Co., Leeds.—Pet. f. April 27.

SHORE, JAMES, Westbury, Wiltshire, cabinet maker, June 1, Westbury. Off. Ass. Fininger; Sol. Bartrum, Bath.—Pet. f. May 4.

SIMPSON, JOHN CORNELIUS, Birmingham, eating-house keeper, June 15, Birmingham. Off. Ass. Guest.—Pet. f. April 14.

SMITH, ANDREW, Shrewsbury, Shrophire, rag dealer, May 25, Birmingham. Off. Ass. Kinneer; Sols. Broughall, Shrewsbury; James & Co., Birmingham.—Pet. f. May 5.

SPEED, JAMES WILLIAM, Harpurhey, Lancashire, colour maker, June 15, Manchester. Off. Ass. Kay; Sols. Hulton & Co., Salford.—Adj. April 20.

STEVENS, RICHARD WESTON, Lincoln, manager of a co-operative store society, May 19, Lincoln. Off. Ass. Uppleby; Sols. Brown & Co., Lincoln.—Pet. f. April 30.

SUMNER, THOMAS, Birmingham, carpenter, June 15, Birmingham. Off. Ass. Guest.—Pet. f. April 14.

SUTTON, HARRIET, Dudley, Worcestershire, out of business, May 14, Dudley. Off. Ass. Walker; Sol. Warrington, Dudley.—Adj. April 20.

TAMER, WILLIAM, Duston, Northamptonshire, farmer, May 23, Northampton. Off. Ass. Dennis; Sol. Rawlins, Market Harborough.—Pet. f. May 4.

THOMAS, THOMAS, Novland, Pembrokeshire, boatman, May 19, Haverfordwest. Off. Ass. Summers.—Adj. April 11.

TOPPES, DREWRY, North Kealey, Lincolnshire, labourer, May 19, Caistor. Off. Ass. Haddesley; Sols. Brown & Co., Lincoln.—Pet. f. May 2.

TROTT, FRANCIS JAMES, Bridgwater, Somersetshire, innholder, May 27, Bridgwater. Off. Ass. Lovibond; Sol. Beckingham, Bridgwater.—Pet. f. April 30.

WABER, JAMES, Leicester, tailor, May 19, Nottingham. Off. Ass. Harris; Sol. Harvey, Leicester.—Pet. f. May 5.

WENT, WILLIAM, Sprowston, Norfolk, marine-store dealer, May 25, Norwich. Off. Ass. Palmer; Sol. Sadd, Norwich.—Pet. f. May 4.

WHELAN, SIMON HENRY, Birmingham, tailor, May 25, Birmingham. Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. f. May 6.

WILKINSON, GEORGE, Hartshorne, Derbyshire, shoemaker, May 19, Ashby-de-la-Zouch. Off. Ass. Dewes; Sol. Briggs, Derby.—Pet. f. May 4.

YENO, SAMUEL, Bradford, Yorkshire, and Manchester, stuff merchant, May 22, Leeds. Off. Ass. Young; Sols. Rawson & Co., Bradford; Bond & Co., Leeds.—Pet. f. May 1.

## BANKRUPTCIES ANNULLED.

ATTWOOD, JOHN CHARLES, Pembroke-mews, Chapel-street, Pimlico, horse dealer.

GARCIA, ABRAHAM, Caddon-street West, and Hammer-smith, auctioneer.

## PARTNERSHIP DISSOLVED.

CHAM, EDWARD GEORGE, and RANKIN, WILLIAM, Braintree, Essex, attorneys and solicitors.

## TUESDAY, May 12.

## BANKRUPTS.

## To be heard in London.

BELL, EDWARD, Alfred-place, Bedford-square, gentleman, June 1. Off. Ass. Edwards; Sol. Berry, 5, Verulam-buildings, Gray's-inn.—Pet. f. May 5.

CARSON, JOSEPH, Stafford-road, Old Ford, commission agent, June 1. Off. Ass. Edwards; Sol. Sheppard, 9, Siza-lane.—Pet. f. May 9.

CATLEY, THOMAS, Deptford, Kent, wood carver, May 25. Off. Ass. Edwards; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. May 8.

CHIFF, JOSEPH, Lower Ham-road, Kingston-on-Thames, builder, May 25. Off. Ass. Edwards; Sol. Peverley, 19, Coleman-street.—Pet. f. May 4.

CLIFTON, ROBERT CHARLES, King-street, Whitehall, and St. George's-terrace, Lorrimer-road, Waltham, May 26. Off. Ass. Stansfeld; Sol. Atkinson, 5, Bow-street, Covent-garden.—Pet. f. May 8.

CONY, ISAAC, Kilburn-lane, Kilburn, builder, June 1. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 5.

CUTBELL, FREDERICK EDMUND, and CUTBELL, SARAH, Providence-row, and Worship-square, cabinetmakers, May 25. Off. Ass. Graham; Sols. Roscoe & Co., 14, King-street, Finsbury-square.—Pet. f. May 7.

DAVIS, ELIZABETH, Willes-road, Kentish-town, in no business, June 1. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 7.

HART, JOHN, Chertsey, Surrey, carrier, May 26. Off. Ass. Stansfeld; Sol. Holcombe, 14, Warwick-court, Gray's-inn.—Pet. f. May 7.

HOLMES, CHARLES, Churton-street, Pimlico, plumber, May 26. Off. Ass. Edwards; Sol. Smith, 99, Denbigh-street, Pimlico.—Pet. f. May 5.

LAMBIE, SAMUEL RICHARD, Grafton-street, Kentish-town, builder, June 2. Off. Ass. Stansfeld; Sol. Hare, 3, Old Jewry.—Pet. f. May 8.

LEATT, WILLIAM, Everett-street, Russell-square, fruiterer, June 2. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 7.

LEE, WILLIAM CREDSOY, Limehouse, licensed victualler, May 25. Off. Ass. Graham; Sols. Lindsay & Co., 84, Basinghall-street.—Pet. f. May 7.

LEWIS, EDWIN, Artillery-street, Waterloo-town, Bethnal-green, fishmonger, May 25. Off. Ass. Graham; Sol. Beard, 10, Basinghall-street.—Pet. f. May 8.

MARTIN, EDWARD, Bromley, Middlesex, dealer in machinery, May 26. Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. May 8.

MEYCE, THOMAS, Queen-square, Aldersgate-street, draper, May 25. Off. Ass. Graham; Sol. Drake, 13, Gresham-street.—Pet. f. May 11.

MILWARD, FREDERICK, Great Marlborough-street, and Warwick-street, Regent-street, tailor, May 26. Off. Ass. Stansfeld; Sol. Davis, 10, Golden-square.—Pet. f. April 30.

PAYSON, ROBERT, Kettering, Northamptonshire, innkeeper, May 26. Off. Ass. Cannan; Sols. Le Blanc & Co., 18, Bridge-street, Brick-lane.—Pet. f. May 9.

PIDGEON, WILLIAM HENRY, Linden-terrace, George-street, Old Kent-road, baker, June 1. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 7.

POTTER, FRANCIS, Commercial-road, near Ebury-bridge, Pimlico, stoker, May 26. Off. Ass. Cannan; Sol. Smith, 99, Denbigh-street, Pimlico.—Pet. f. May 8.

PRESTON, EDWARD WILLIAM, Kent-street, Newington, clothier, May 25. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 7.

RUSSELL, ANNIE, Cottage-grove, Peckham, Surrey, professor of music, May 26. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 7.

THEOATAS, CHARLOTTE, Lawrence Pountney-hill, City, taking care of chambers, May 26. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 8.

WALDEN, WILLIAM ALFRED, Elm-street, Gray's-inn-lane, foreman to a basket maker, May 26. Off. Ass. Cannan; Sol. Waring, 25, Poultry.—Pet. f. May 9.

WALKER, WILLIAM, and EYRE, JOHN, Pearson-street, Kingsland-road, shoe manufacturers, May 25. Off. Ass. Stansfeld; Sol. Evans, 13, John-street, Bedford-row.—Pet. f. May 8.

WASHINGTON, JAMES WILSON, Devonshire-street, Lisson-grove, painter, May 26. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 7.

WILTSHIRE, WILLIAM, Lower Whitecross-street, commission agent, May 25. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 8.

## To be heard in the Country.

BALL, HENRY, Farnham, Surrey, licensed victualler, May 19, Farnham. Off. Ass. Hollett; Sol. White, Guildford.—Pet. f. April 28.

BATESON, JOHN, High Bentham, Yorkshire, innkeeper, June 1, Leeds. Off. Ass. Carrick; Sols. Willan, Lancaster; Bond & Co., Leeds.—Pet. f. May 9.

BLAKE, THOMAS, Troston, Suffolk, woodman, May 23, Bury St. Edmunds. Off. Ass. Collins; Sol. Walpole, Bayton.—Pet. f. May 6.

BOARD, GEORGE SILVERSTEIN, Manchester, salesman, May 23, Manchester. Off. Ass. Herniman; Sol. Boots, Manchester.—Pet. f. May 9.

BUCKLEY, THOS. RICHARDSON, Wakefield, Yorkshire, grocer, May 30, Wakefield. Off. Ass. Mason; Sol. Barratt, Wakefield.—Pet. f. May 8.

BUNTING, FREDERICK, Manchester, beer-seller, June 15, Manchester. Off. Ass. Kay; Sol. Gardner, Manchester.—Pet. f. April 28.

BURNETT, JOHN, Hosc, Leicestershire, carpenter, June 2, Nottingham. Off. Ass. Harris; Sol. Maples, Nottingham.—Pet. f. May 8.

BUTLER, HENRY, Birmingham, butcher, May 22, Birmingham. Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. f. May 7.

CATTLE, ISAAC, Cardiff, Glamorganshire, butcher, May 27, Cardiff. Off. Ass. Langley; Sol. Bird, Cardiff.—Pet. f. May 8.

CHURCHILL, ARTHUR RICHARD GILBERT, Exmouth, Devonshire, grocer, May 23, Exeter. Off. Ass. Daw; Sol. Floud, Exeter.—Pet. f. May 8.

CLARKE, JOHN THOMAS, Lincoln, waiter, May 21, Lincoln. Off. Ass. Uppleby; Sols. Brown & Co., Lincoln.—Pet. f. May 7.

COWELL, JAMES, Blackburn, Lancashire, out of business, May 22, Manchester. Off. Ass. Fraser; Sols. Smith & Co., Manchester.—Pet. f. May 8.

DARLINGTON, JOHN, Burnam, Staffordshire, watchmaker, May 30, Hanley. Off. Ass. Challinor; Sol. Sutton, Burnam.—Pet. f. May 8.

DODGSON, THOMAS, Leeds, builder, June 1, Leeds. Off. Ass. Carrick; Sols. Emley & Co., Leeds.—Pet. f. May 1.

EDWARDS, THOMAS, Bangor, Carnarvonshire, licensed victualler, May 25, Liverpool. Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. May 8.

EMMON, RICHARD, Beverley, Yorkshire, plumber, May 23, Beverley. Off. Ass. Crust; Sol. Chambers, Hull.—Pet. f. May 5.

FISHER, JOHN ELWORTHY, Knowstone, Devonshire, farmer, May 22, South Molton. Off. Ass. Crosse; Sol. Shapland, South Molton.—Pet. f. May 8.

GARNER, CHARLES WILLIAM, Lis, near Petersfield, Hampshire, May 26, Petersfield. Off. Ass. Mollerah; Sol. Paffard, Portsea.—Pet. f. May 6.

HENSHAW, GEORGE, Hatherton, Staffordshire, out of business, May 22, Birmingham. Off. Ass. Whitmore; Sol. Brevitt, Darlaston.—Pet. f. May 5.

HESLEWOOD, FRANCIS BAKER, Hedon, Yorkshire, commission agent, May 21, Hull. Off. Ass. Phillips.—Adj. April 14.

HETWOOD, WILLIAM, East Anster, Devonshire, thatcher, May 22, South Molton. Off. Ass. Crosse; Sol. Shapland, South Molton.—Pet. f. May 8.

JOHN, WILLIAM, Llantrisant, Glamorganshire, farmer, May 22, Bristol. Off. Ass. Miller; Sols. Groves & Co., Cardiff; Bevan & Co., Bristol.—Pet. f. May 8.

JONES, JOHN, Sedgley, Stafford, charter master, May 21, Dudley. Off. Ass. Walker; Sol. Whitehouse, Wolverhampton.—Pet. f. May 5.

KAY, HILTON, Manchester, Indian-rubber dealer, May 22, Manchester. Off. Ass. Herniman; Sols. Sale & Co., Manchester; King, Cannon-street West, City.—Pet. f. May 6.

**KIRK, GEORGE FREDERICK**, Nottingham, rope manufacturer, June 2, Nottingham. Off. Ass. Harris; Sol. Ashwell, Nottingham.—Pet. f. May 8.

**LANNING, EDWARD JAMES**, Southampton, hatter, June 8, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. May 6.

**MITCHELL, JAMES**, Saint Agnes, Cornwall, miner, May 27, Truro. Off. Ass. Rogers; Sol. Marshall.—Pet. f. May 6.

**MORTON, ALEXANDER**, Newcastle-under-Lyme, Staffordshire, travelling draper, May 25, Birmingham. Off. Ass. Whitmore; Sols. Slaney & Co., Newcastle-under-Lyme; James & Co., Birmingham.—Pet. f. May 8.

**NANKIVELL, THOMAS**, Illogan, Cornwall, grocer, May 23, Redruth. Off. Ass. Peter.—Pet. f. April 17.

**NICHOLS, WILLIAM**, Leeds, bricklayer, May 28, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. May 7.

**OATES, THOMAS**, Whistons, Worcester, traveller, May 25, Birmingham. Off. Ass. Kinnear; Sols. Rea, Worcester; Wright, Birmingham.—Pet. f. May 7.

**ODDEN, KIRBY**, Manchester, cabinetmaker, May 22, Manchester. Off. Ass. Pott; Sols. Chapman & Co., Manchester.—Pet. f. May 6.

**PRICE, RABE**, Brecon, carpenter, May 22, Bristol. Off. Ass. Acraman; Sols. Thomas, Brecon; Nash, Bristol.—Pet. f. May 8.

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**RICHMOND, PHILIP**, Tonbridge, Kent, tobacconist, May 26, Tonbridge. Off. Ass. Alleyne; Sol. Morgan, Maidstone.—Pet. f. May 9.

**ROGERS, THOMAS**, Cathedrae, Brecknockshire, licensed victualler, May 26, Brecknock. Off. Ass. Evans; Sol. Bishop, Brecknock.—Pet. f. May 7.

**RUFFELL, DANIEL**, Haughley, Suffolk, butcher, May 27, Stowmarket. Off. Ass. Archer; Sol. Walpole, Bexon.—Pet. f. May 7.

**SANDERSON, GEORGE**, Ecclesfield, Yorkshire, collier, May 27, Sheffield. Off. Ass. Wake; Sol. Pattison, Sheffield.—Pet. f. May 11.

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**SOFFE, JOHN**, Fritham, Hampshire, dealer, June 8, Winchester. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. April 28.

**SPIERS, MATTHEW**, Gainsborough, Lincolnshire, cooper, May 18, Gainsborough. Off. Ass. Burton; Sol. Hayes, Gainsborough.—Pet. f. May 6.

**START, FRANCIS HENRY**, Cardiff, Glamorganshire, baker, May 27, Cardiff. Off. Ass. Langley; Sol. Griffith, Cardiff.—Pet. f. April 8.

**STEWART, THOMAS**, Farnham, Oldbury, Worcestershire, corndealer, May 28, West Bromwich. Off. Ass. Watson; Sol. Nelson, Birmingham.—Pet. f. May 5.

**SUCKLING, HENRY WELCH**, Sparkbrook, near Birmingham, auctioneer, June 15, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. April 13.

**SWIFT, SAMUEL**, Birstal, Yorkshire, grocer, June 19, Dewsbury. Off. Ass. Nelson; Sol. Ibberson, Dewsbury.—Pet. f. May 8.

**SYKES, JONATHAN**, Sheffield, joiner, May 27, Sheffield. Off. Ass. Wake; Sol. Pattison, Sheffield.—Pet. f. May 11.

**TOMLINSON, SAMUEL**, Repton, Derbyshire, farmer, May 22, Ashby-de-la-Zouch. Off. Ass. Dewes; Sol. Dewes, Ashby-de-la-Zouch.—Pet. f. May 8.

**VAIN, THOMAS**, Freemantle, Southampton, sawyer, June 8, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. May 6.

**VICKERY, ROBERT**, Compton Martin, Somersetshire, farmer, May 22, Bristol. Off. Ass. Acraman; Sols. Clifton & Co., Bristol.—Pet. f. May 7.

**WALKER, GEORGE**, Darlington, Durham, butcher, June 1, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Story, Newcastle-upon-Tyne.—Pet. f. May 7.

**WRIGHT, JOHN**, Market Drayton, Shropshire, out of business, May 25, Birmingham. Off. Ass. Kinnear; Sols. Turner, Wolverhampton; Hodgson & Co., Birmingham.—Pet. f. May 7.

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*To be heard in London.*

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- BAILEY, RICHARD, Windham-street, Kentish-town, out of business, June 2. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 13.
- BALDREY, JOHN, Norwich, fruiterer, June 1. Off. Ass. Edwards; Sol. Storey, 6, King's-road, Bedford-row.—Pet. f. May 12.
- BENNETT, RICHARD BREARY, Lower Norwood, hop merchant, June 2. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 11.
- BOTT, WILLIAM HENRY, New Peter-street, Westminster, carpenter, June 2. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 13.
- BRASIER, FREDERICK GEORGE, Wharton-street, Lloyd-square, Pentonville, commission agent, June 6. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 12.
- BROWN, GEORGE TAYLOR, Francis-terrace, Hackney Wick, accountant, June 2. Off. Ass. Stansfeld; Sol. Philipos, 20, Coleman-street.—Pet. f. May 13.
- CHESSE, JAMES, Stokenchurch, Oxfordshire, surgeon, June 2. Off. Ass. Stansfeld; Sol. Harcourt, 2, King's Arms-yard.—Pet. f. May 12.
- DANIELS, HENRY, Clark's-place, Bagnidge-wells-road, carpenter, May 28. Off. Ass. Graham; Sol. Wood, 4, Coleman-street-buildings.—Pet. f. May 9.
- EDWARDS, EDWARD, Devonshire-street, Upper Kennington-lane, cab driver, May 28. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. May 13.
- EADES, JOHN, Mildmay-street, Stoke Newington, timber merchant, June 2. Off. Ass. Cannan; Sols. Greville & Co., 28, St. Swin's-lane.—Pet. f. May 1.
- EDWARDS, ELIZABETH, Seymour-place, Bryanstone-square, of no business, June 2. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 12.
- EDWARDS, WILLIAM GEORGE, Castelow-road, Camden-town, picture dealer, June 6. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 13.
- EVERIST, ALLRED, Northfleet, Kent, carpenter, June 6. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 13.
- FIELD, HUGH, Chapel-street, Somers-town, dealer in earthenware, June 2. Off. Ass. Cannan; Sol. Bramwell, 17, Southampton-buildings, Holborn.—Pet. f. May 11.
- FIELD, EDWARD, Borehamwood, near Elstree, Herefordshire, baker, June 2. Off. Ass. Cannan; Sol. Boydell, 44, Queen-square, Bloomsbury.—Pet. f. May 12.
- GORDON, WILLIAM CLEARER, Charlton, near Woolwich, deputy assistant of military stores, June 2. Off. Ass. Stansfeld; Sol. Cooper, 9, Charing-cross.—Pet. f. May 9.
- GREENWILL, RICHARD, Strand, tobacconist, June 2. Off. Ass. Cannan; Sols. Dimmock & Co., 2, Suffolk-lane, Cannon-street.—Pet. f. May 2.
- HALLIER, JOHN, Roman-road, Holloway, builder, May 28. Off. Ass. Graham; Sol. Clarke, 2, Stanley-place, Paddington-green.—Pet. f. May 14.
- HAT, GEORGE, Abbey-street, Bethnal-green-road, cabinet maker, June 2. Off. Ass. Cannan; Sol. Philipos, 20, Coleman-street.—Pet. f. May 12.
- HAYWOOD, THOMAS, Warwick-villas, Homerton, grocer, June 2. Off. Ass. Cannan; Sol. Haynes, St. Dunstan's-chambers, 5, St. Dunstan's-hill.—Pet. f. May 11.
- HICKS, WILLIAM, New Church-street, Bermondsey, assistant to a leather dresser, June 2. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 11.
- HINKES, THOMAS, Davenry, Northamptonshire, innkeeper, May 28. Off. Ass. Graham; Sols. Austen & Co., Gray's-inn.—Pet. f. May 13.
- HODGES, THOMAS THOMAS, Aldershot, Hampshire, lieutenant in the 76th Regiment of Foot, May 28. Off. Ass. Graham; Sol. Bromley, Gray's-inn.—Pet. f. May 12.
- HOLLEBOES, FREDERICK, Croydon, Surrey, out of business, June 1. Off. Ass. Edwards; Sol. Munday, 6, Essex-street, Strand.—Pet. f. May 11.
- HORNFECK, HENRY ALFRED JOHN, Charlotte-street, Fitzroy-square, and East Moulsey, diamond setter, June 1. Off. Ass. Edwards; Sol. Ricketta, 25, Frederick-street, Gray's-inn-road.—Pet. f. May 12.
- JEFFRIES, JOHN, Somerset-street, Portman-square, out of business, June 2. Off. Ass. Cannan; Sol. Leader, 27, Orchard-street, Portman-square.—Pet. f. May 13.
- MALLETT, HENRY, Field Dalling and Blakeney, Norfolk, grocer, June 1. Off. Ass. Edwards; Sols. Miller & Co., Norwich; Sols. & Co., Aldermanbury.—Pet. f. May 5.
- OFFORD, WILLIAM, Leyton, Essex, gardener, May 28. Off. Ass. Graham; Sol. Tucker, New City-chambers, Blakopgate.—Pet. f. May 12.
- POWER, JAMES UNIACK, Queen-street, Brompton, out of business, June 2. Off. Ass. Cannan; Sol. Wyatt, 26, Chancery-lane.—Pet. f. May 12.
- POWER, WILLIAM BURCH, Onslow-square, Old Brompton, upholsterer, June 1. Off. Ass. Stansfeld; Sol. Giles, 44, Bedford-row.—Pet. f. May 11.
- PUGH, JAMES, Lower Norwood, out of business, June 2. Off. Ass. Cannan; Sols. Neal & Co., 4 and 5, Finner's-hall, Old Broad-street.—Pet. f. May 12.
- STOWELL, JOHN THOMAS, Gloucester-grove, Old Brompton, out of employment, June 1. Off. Ass. Graham; Sol. Atkinson, 51, Bedford-row.—Pet. f. May 12.
- THOMAS, EDWARD CARPENTER, High Wycombe, Buckinghamshire, shoemaker, June 1. Off. Ass. Edwards; Sol. Spicer, 5, Staple-inn.—Pet. f. May 8.

WOODFORD, JAMES, Croydon, Surrey, clockmakers' assistant, June 1. Off. Ass. Graham; Sols. Linklaters & Co., Walbrook.—Pet. f. May 11.

*To be heard in the Country.*

- ANDERSON, WILLIAM, Southampton, stationer, June 10, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. May 12.
- BIGLESTON, EDWARD, Hereford, stonemason, June 2, Hereford. Off. Ass. Reynolds; Sol. Garrod, Hereford.—Pet. f. May 11.
- BOFFEY, WILLIAM, Nantwich, Cheshire, farmer, May 28, Liverpool. Off. Ass. Turner.—Adj. May 8.
- BRADSHAW, THOMAS, Lancaster, seedsman, June 2, Manchester. Off. Ass. Herniman; Sols. Tyrer, Liverpool; Minor, Manchester.—Pet. f. May 5.
- BREDDON, JOHN, Lowdham, Nottinghamshire, carrier, May 27, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Pet. f. May 13.
- BRUNT, JAMES, Hanley, Staffordshire, collier, May 30, Hanley. Off. Ass. Chailhorn; Sol. Sutton, Burslem.—Pet. f. May 12.
- CAFFERTY, WILLIAM, Bristol, coal merchant's foreman, May 29, Bristol. Off. Ass. Harley; Sols. Brittan & Co.—Pet. f. May 11.
- CARTER, JOHN, Halifax, Yorkshire, cotton warp manufacturer, May 28, Leeds. Off. Ass. Young.—Adj. May 12.
- COOKE, HENRY WINTER, Walsall, Staffordshire, jeweller, May 27, Birmingham. Off. Ass. Kinnear; Sol. Glover, Walsall.—Pet. f. May 13.
- CREASBY, JAMES, Leeds and Kirkstall, Yorkshire, milliner, May 28, Leeds. Off. Ass. Young; Sols. Bond & Co., Leeds; Moss, 23, Moorgate-street.—Pet. f. May 8.
- CULLEY, SAMUEL HALL, Exeter, accountant, May 26, Exeter. Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. May 12.
- DAVEY, JOHN VITTEY, Brixham, Devonshire, rope maker, May 27, Exeter. Off. Ass. Hirtzel; Sols. Kellock, Totnes; Clarke, Exeter.—Pet. f. May 9.
- DICK, FRANCIS WARDEN, Brighton, veterinary surgeon, May 26, Brighton. Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. May 13.
- EDWARDS, ALFRED, Trowbridge, Wiltshire, shoemaker, May 22, Trowbridge. Off. Ass. Webber; Sol. Bartrum, Trowbridge.—Pet. f. April 30.
- ENGLAND, JOHN, Leeds, currier, June 1, Leeds. Off. Ass. Carrick; Sol. Simpson, Leeds.—Pet. f. May 11.
- FLOWER, THEOPHILUS, Wells, dissenting minister, May 25, Wells. Off. Ass. Lovell; Sol. Reed, Bridgewater.—Pet. f. May 11.
- FLOWER, WILLIAM, Rushall, near Walsall, Staffordshire, corn dealer, May 27, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Adj. May 12.
- GABRIEL, MILES, Cardiff, Glamorganshire, innkeeper, May 29, Bristol. Off. Ass. Miller; Sols. Abbot & Co., Bristol.—Pet. f. May 11.
- GARRATT, GEORGE, Lowdham, Nottinghamshire, cottager, May 27, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Pet. f. May 13.
- GETLEY, HENRY SIDDEWS, Wellington, Shropshire, glass merchant, May 29, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham; Hlatt, Wellington.—Pet. f. May 13.
- HALLIDAY, SAMUEL, Bridgnorth, Shropshire, carpenter, June 26, Bridgnorth. Off. Ass. Smith; Sol. Cresswell, Wolverhampton.—Pet. f. May 11.
- HANDS, THOMAS COOPER, Hinton-in-the-Hedges, near Brackley, Northamptonshire, butcher, May 26, Brackley. Off. Ass. Fairbairn; Sol. Pollatt, Banbury.—Pet. f. May 12.
- HARRIS, JOHN TUTT, Brighton, general dealer, June 3, Brighton. Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. May 9.
- HEATE, ALFRED, Landport, Portsea, Hampshire, whitesmith, May 25, Portsmouth. Off. Ass. the registrar; Sol. Stening, Portsea.—Pet. f. May 12.
- HEDCOCK, MOSES, Funtlington, Sussex, blacksmith, May 27, Chichester. Off. Ass. Sowton; Sol. Hamilton, Emsworth.—Pet. f. May 8.
- HODKINSON, THOMAS, Over, near Winsford, Cheshire, schoolmaster, May 28, Liverpool. Off. Ass. Morgan; Sols. Dodge & Co., Liverpool.—Pet. f. May 11.
- KENT, JAMES, Camborne, Cornwall, cordwainer, May 27, Redruth. Off. Ass. Pater; Sol. Stephenson.—Pet. f. May 11.
- KING, FREDERICK, Shirley, Southamptonshire, horse dealer, June 10, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. May 12.
- LATTIMER, GEORGE, Beesford, near Driffield, Yorkshire, farm servant, May 26, Great Driffield. Off. Ass. Conyers; Sol. Anderson, York.—Adj. May 7.
- LEIGH, ALFRED, Birkenhead, Cheshire, scrivener, May 28, Liverpool. Off. Ass. Morgan.—Adj. May 8.
- MADDOCK, SAMUEL EDWARD, Nottingham, lace maker, May 27, Nottingham. Off. Ass. Patchitt; Sols. Hawkrige & Co., Nottingham.—Pet. f. May 14.
- MAY, WILLIAM, Nottingham, bricklayer, May 27, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Pet. f. May 13.
- MORRIS, HENRY, Plymouth, Devonshire, jeweller, May 30, Plymouth. Off. Ass. Hirtzel; Sols. Rooke & Co., Plymouth.—Pet. f. May 13.
- PARR, JOSHUA, Norton-in-the-Moors, Staffordshire, grocer, May 27, Birmingham. Off. Ass. Kinnear; Sols. James & Co., Birmingham.—Adj. May 12.
- PINK, JAMES PHILLIPS, Birmingham, draper, May 27, Birmingham. Off. Ass. Kinnear; Sol. Barber, Birmingham.—Pet. f. May 11.
- POOLE, WILLIAM SALVAGE, Kenilworth, Warwickshire, scrivener, June 10, Birmingham. Off. Ass. Kinnear; Sols. Hodgson & Co., Birmingham.—Pet. f. May 13.
- POWELL, JOHN, Little Dawley, Shropshire, charter master, June 13, Madeley. Off. Ass. Potts; Sol. Walker, Wellington.—Pet. f. May 4.
- PRINCE, THOMAS, Heanor, Derbyshire, lace maker, May 26, Nottingham. Off. Ass. Harris; Sols. Gamble & Co., Derby.—Pet. f. May 8.

[For continuation of Gazette, see p. 180, col. 2.]

## CONTENTS.

London Gazette.....	182
Leading Article.....	183
Examinations at the Incorporated Law Society—	
Easter Term.....	185
Books Received.....	186
Imperial Parliament.....	186
Court Papers:—Equity Cause Lists for Trinity Term.	186
Common-law Cause Lists for Trinity Term.....	188

## NAMES OF THE CASES REPORTED.

## HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

Atkinson v. Holtby.—(Will, construction of—Estate tail—Cross remainders in tail by implication) ..	508
--	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Bolding v. Lane.—(Mortgagor and mortgagee—Arrears of interest—Assignment of mortgage—Acknowledgment—Statute of Limitations, sect. 42)	506
---	-----

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Prideaux v. Lonsdale.—(Voluntary settlement—Avoidance) ..	507
---	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Hogg v. Jones.—(Heir-looms—Bequest of plate to follow limitations of real estate—Disentailing deed) ..	507
--	-----

Weld v. The London and South-western Railway Company.—(Lands Clauses Act, sects. 16 and 17—Incorporation with private act—Deposited plans)	510
--	-----

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

Hibon v. Hibon.—(Will—Income of residuary realty—Specific devise—Assets—“Premises”)	511
In re Nowell.—(Practice—Stop order—Service) ..	512

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Sisson and Others v. Gilles and Others.—(Devise—Direction to convert—Election by married woman—Undivided moiety) ..	513
---	-----

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCE, Barrister at Law.

Gurney v. Gurney.—(Jurisdiction—Fictitious issue) .	514
---	-----

## COURT OF QUEEN'S BENCH.

By H. HOLROYD, Barrister at Law.

Penford v. Abbott.—(Landlord and tenant—Parol lease—Implied warranty for quiet enjoyment) ..	517
Paul and Another v. Best.—(Bankrupt—Adjudication on his own petition—Previous act of bankruptcy—Relating back of title of assignees—Distress for rent by landlord—12 & 13 Vict. c. 106, s. 129—24 & 25 Vict. c. 134, ss. 86, 87) ..	519

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Goslin v. Clark.—(Husband and wife—Deed of separation—Covenant by husband—Pleading—Equitable defence—Divorce) ..	520
--	-----

## EXCHEQUER CHAMBER.

By J. GRANT, Barrister at Law.

Lord Seymour v. Scott.—(Commission beyond the realm, of what is a tort in English law—Action here—Proceedings at the same time going on abroad—Comity of nations—Pleading—Objections to procedure—Lex fori) ..	522
--	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Pillot v. Wilkinson.—(Conversion—Custodia legis) ..	523
Gibbon, M.D. v. Budd, Executor.—(Physician's fees—21 & 22 Vict. c. 90) ..	525

## THE JURIST.

LONDON, MAY 23, 1863.

INTERNATIONAL law is in a state far from desirable. The general ignorance of it throughout the community is great; and even among statesmen and legislators its principles are constantly misunderstood, and more frequently misapplied. This is not to be wondered at when we see how international jurists are divided among themselves, not merely on particular questions, but even on the very elements of the science. Last year, we noticed a paper read at the Juridical Society by Professor Katchenovsky, of the University of Kharkow, in Russia (8 Jur., N. S., part 2, pp. 249, 456), where the author reviews the state of international law in the principal countries in Europe, and shews that there are unhappily two schools of it, which may be designated the *philosophical* and the *positive* schools;—the former of which base that law on philosophical principles alone, while the latter assert that it is solely to be found in conventions, treaties, and customs. The fathers of the science, Grotius, Suarez, Pufendorf, Vattel, &c., avail themselves indifferently of both; and almost all good authors on international law, ancient and modern, including Wheaton and the Queen's Advocate, admit, in words at least, the justice of this course. The absurdity of the schism may be illustrated by supposing two schools to spring up among English lawyers, one maintaining that our jurisprudence con-

sists solely of the common law, and the other solely of the statute law.

In the present unfortunate state of international jurisprudence, we feel grateful for anything which contributes to explain, illustrate, or popularise it. There is now lying before us a small volume, entitled "Letters by Historians on some Questions of International Law. Reprinted from *The Times*, with considerable Additions.—London and Cambridge: Macmillan & Co. 1863." The appearance of these letters is obviously owing to the civil war now raging in America, and the several important questions which have sprung out of it, some of them of a nature to threaten the peace of this country. Many of these letters have appeared in *The Times*, where they have, doubtless, been perused by several of our readers, but there are some new ones, as will be seen from the following Table of Contents:—

## "I. Three Letters on 'Recognition'."

- (1). The International Doctrine of Recognition.
- (2). The Texan Precedent.
- (3). *The Edinburgh Review* on Recognition.

## II. A Letter on the Perils of Intervention.

## III. Some Remarks on a Work of M. Hautefeuille, entitled 'Des Droits et des Devoirs des Nations Neutres.'

## IV. Two Letters on the Law of Blockade:

- (1). England and Paper Blockades.
- (2). Blockades by Cruising Squadrons.
- (3). Note on the Origin of the Continental System.



V. Two Letters on Neutral Trade in Contraband of War:

- (1). Neutral Trade in Contraband of War.
- (2). Insurance on Contraband Voyages.

VI. Belligerent Violation of Neutral Rights.

VII. The Foreign Enlistment Act.

VIII. A Letter on the Right of Search.

IX. Some Extracts from Letters published in the Winter of 1862 on the Affair of 'The Trent,' on Mr. Seward's Dispatch:

- (1). A Letter on the Nature and Essential Requisites of Contraband of War.
- (2). A further Letter on the same subject.
- (3). Extract from a Letter on Mr. C. Sumner's Speech on the Surrender of Messrs. Slidell and Mason.

X. A Paper on the Territoriality of the Merchant Vessel."

It is not our intention, even did our space permit, to examine these letters in detail, or to express our concurrence in all that is to be found in them. Taken as a whole, they form a collection well deserving perusal, and evidently the production of an able and well-informed mind. They have the additional recommendation, that the author professes to treat the questions before him, not as the politician, but as the jurist, who he truly observes (p. 162), "Should know no distinction between the Trojan and the Tyrian camps"—a principle which we wish he had in some places carried a little farther.

The following extracts will give a general idea of the nature of the volume and the style of the author:—

In his Preface, *Historicus* makes the following most just observations on the subject of international law:—"The text-writer on international law assumes a noble task, but he at the same time accepts a grave responsibility. His speculations, if unsound, and his maxims, if unjustifiable, must too often be refuted by the sword. They furnish pretexts sometimes for unjust demands, at others for unrighteous refusals. Those who assume the authority of publicists exercise, in some sort, the judicial functions of life and death. . . . It is the immortal glory of Grotius, through a new dispensation of international right, to have evangelised the society of nations brutalised by a licentious carnival of force. It has been the shame of others, to have degraded the palladium of law into the minister of the temporary passions of Governments, and the servile instrument of the interests of States. . . . On most questions of international law, the student has still to make for himself his own text-book; to extract from scattered documents the records of historical precedents; to deduce from judicial decisions the principles of established law; and, what is still more difficult, to distinguish, in contradictory text-writers, the doctrines which are founded on reason and law from those which have their birth in inveterate prejudice or empty speculation. It is from these difficulties that ill-informed and shallow reasoners have been induced to question altogether the existence of the principles of international law. Yet this idea is about as reasonable as if a man, who had neither the instruments nor the knowledge requisite to

take an observation, should dispute the possibility of a science of astronomy."

In the first letter, intitled "The International Doctrine of Recognition" (pp. 9, 10), we find the following:—"As far, then, as any practical rule can be deduced from historical examples, it seems to be this—When a sovereign State, from exhaustion or any other cause, has virtually and substantially abandoned the struggle for supremacy, it has no right to complain if a foreign State treat the independence of its former subjects as *de facto* established; nor can it prolong its sovereignty by a mere paper assertion of right. When, on the other hand, the contest is not absolutely or permanently decided, a recognition of the inchoate independence of the insurgents by a foreign State is a hostile act towards the sovereign State, which the latter is entitled to resent as a breach of neutrality and friendship. The true rule is that laid down in the old distich. Rebellion, until it has succeeded, is treason; when it is successful, it becomes independence. And thus, the only real test of independence is final success."

In the first letter on "Neutral Trade in Contraband of War" (pp. 121, 122)—"We have the misfortune to live in days when, in the name of liberalism, philanthropy, and civilisation, we are invited to upset the whole fabric of international law, which the reason of jurists has designed, and the usage of nations has built up, and to rear upon its ruins the trumpery edifice of a shallow caprice. It is the old story of that pretentious philosophy, which, by a recurrence to first principles, attempted, with so little success, to operate the regeneration of mankind. I would that we had yet among us the multitudinous eloquence of Burke, or the poignant wit of Canning, to do condign justice upon this presumptuous sciolism. . . . I can concede to M. Hautefeuille everything except the title to originality. The leading principle on which his well-known work is constructed has been, in fact, anticipated by a dispatch to Jefferson in 1793. 'I do not recollect,' says M. Genet, the celebrated plenipotentiary of the French Republic, 'what the worn-out writings of Grotius, Pufendorf, and Vattel, say on the subject. I thank God I have forgotten what these mercenary jurisprudents have written on the rights of nations at a period when they were all enchained. The rights of man are inclosed in my breast with the source of life.'" We pause to remark, that somewhat similar sentiments were uttered by Mr. Cobden, in his speech at Manchester last autumn. (See *The Standard* of the 25th October, 1862).

*Historicus* properly avoids giving any opinion on the disputed question of *The Alabama*. In some of the letters before us, however (4, 5, 6, 7), he fully goes into the principles by which that and all similar questions should be decided. Upon the whole, our impression is, that, on this subject, *Historicus* extends the liberty of the neutral too far: but we invite our readers to peruse his letters, and judge for themselves. We, however, fully subscribe to the justice of the following passage (p. 159):—"The real grounds on which the neutral is bound to do anything at all in the matter are, first and principally, in order to protect himself

from that sort of retaliation which, by the law of impartiality, he would be obliged to concede to the injured belligerent against the aggressor; and, secondly, though in a less degree, that he may clear himself from the suspicion of a fraudulent and unreal neutrality. A tame and spiritless submission to infractions of his rights would justly expose the neutral to the imputation of connivance with the party at whose hands they were sustained. In such a case, the injured belligerent would be justly entitled to regard the professing neutral as, in reality, the ally of his foe. What circumstances are sufficient to justify such an inference of connivance is, no doubt, a difficult question of fact. It is also in the highest degree the interest of the neutral to prevent that being done by one belligerent, which he must in turn concede to the other, and which would, in the end, turn the neutral territory into the belligerent battle-field."

In several of these letters, *Historicus* is very severe on M. Hautefeuille. Thus, at p. 175, he says, "His chapter on the right of visitation and of search is one of the most colossal monuments of nonsense which it is possible to find in the annals of jurisprudence. He founds his whole theory on the basis of an assumption, that the right of visitation is solely a creation of treaties, and that it has no existence in the general law of nations. This monstrous hypothesis is borrowed, if I remember right, from the tract of Schlegel, who, as Mr. Ward says, 'augmented the sophistry of Hübnér.'" And at pp. 56, 57, "This same amiable object of combining an European confederation against England, is avowed in a still more distinct manner by M. Hautefeuille. . . . He is mistaken in supposing that love of his own country is the '*sentiment la plus vivace*' which animates his breast. In his soul there is another still more living principle, in the hatred of one other nation. If M. Hautefeuille is a '*citoyen de l'univers*,' he inhabits that terrestrial globe which the first Napoleon endeavoured to create, in which the unsymmetrical contour of the British Isles was to be blotted out," &c. We have alluded to these passages, not with the view of expressing either approbation or condemnation of them, but because M. Hautefeuille is a writer whose works are frequently quoted, and may, therefore, be supposed to have some influence for good or evil on his generation; and it may, therefore, be well to notice in what degree of estimation he and some other continental writers are held by an able author like that before us.

#### EXAMINATIONS AT THE INCORPORATED LAW SOCIETY.

EASTER TERM, 1863.

##### INTERMEDIATE EXAMINATION.

THE Examiners reported that the following gentlemen, whose names are arranged in alphabetical order, have passed the intermediate examination with distinction:—

Edward Bythway, aged twenty-two, articled to Mr. John Bury, of Manchester; and Messrs. Cunliffe & Leaf, of Manchester.

Thomas Mountain, aged eighteen, articled to Messrs. Grange & Winttingham, of Great Grimsby.

Louis Philip Vincent, aged twenty, articled to Messrs. Chilton, Burton, Yeates, & Hart, of London.

The number of candidates examined in this Term was thirty-five; of these thirty-three were passed and two postponed.

By order of the Council,

E. W. WILLIAMSON, Secretary.

Law Society's Hall, Chancery-lane,  
London, May 7, 1863.

##### FINAL EXAMINATION.

AT the examination of candidates for admission on the roll of attorneys and solicitors of the Superior Courts, the Examiners recommended the following gentlemen, under the age of twenty-six, as being entitled to honorary distinction:—

1. James Popham Ogle, aged twenty-two, who served his clerkship to Mr. Ogle, of London; and Messrs. Hardisty & Rhodes, of London.

3. Thomas Dallow, aged twenty-one, who served his clerkship to Messrs. Pinchard & Shelton, of Wolverhampton; and Mr. Edwin Low, of London.

3. John Hardy Coulson, aged twenty-four, who served his clerkship to Mr. Charles Marfleet Barron Veal, of Great Grimsby.

4. Robert Nicholson, aged twenty-one, who served his clerkship to Messrs. Bardswell, Littledale, & Bardswell, of Liverpool; Messrs. Littledale, Ridley, & Bardswell, of Liverpool; and Messrs. Chester & Urquhart, of London.

The Council of the Incorporated Law Society have accordingly awarded the following prizes of books:—

To Mr. Ogle, the prize of the Hon. Society of Clifford's-inn.

To Mr. Dallow, one of the prizes of the Incorporated Law Society.

To Mr. Coulson, one of the prizes of the Incorporated Law Society.

To Mr. Nicholson, one of the prizes of the Incorporated Law Society.

The Examiners have also certified that the following candidates, whose names are placed in alphabetical order, passed examinations which entitle them to commendation:—

Alfred Caddick, aged twenty-one, who served his clerkship to Mr. Elisha Caddick, of West Bromwich; Mr. Edward Caddick, of West Bromwich; and Messrs. Mackeson & Goldring, of London.

Arthur Footner, aged twenty-one, who served his clerkship to Mr. George Bright Footner, of Romsey; and Messrs. Park & W. B. Nelson, of London.

Alfred Crick Freeman, aged twenty-three, who served his clerkship to Messrs. John & Wm. Crick, of Maldon; and Andrew Storey, of London.

William James Hutton, aged twenty-two, who served his clerkship to Mr. Thomas Harrison, of Kendal; and Mr. Thomas Johnston, of London.

Samuel Herbert Lewin, B. A., aged twenty-four, who served his clerkship to Messrs. Gregory & Rowcliffes, of London.

Charles Amos Lister, aged twenty-one, who served his clerkship to Messrs. Hulton & Brett, of Salford.

Hervey Edward Murly, aged twenty-two, who served his clerkship to Mr. Geo. Bullock Murly, of Langport; and Messrs. Flux & Argles, of London.

George James Nutt, aged twenty-two, who served his clerkship to Messrs. Deacon & Taylor, of Peterborough; and Mr. John Steer Hincks, of London.

John Slade the younger, aged twenty-one, who served his clerkship to Mr. Geo. Penkivil Slade; Mr. John Slade, of Yeovil; and Messrs. Gregory & Rowcliffes, of London.

Edward Orford Smith, aged twenty-one, who served his clerkship to Messrs. Scudamore & Brennan, of Maidstone; and Messrs. Palmer, Palmer, & Bull, of London.

Harry Snow, aged twenty-three, who served his clerkship to Mr. John Wm. Danby, of Lincoln; and Messrs. Hawkins, Bloxam, & Hawkins, of London.

The Council have accordingly awarded them certificates of merit.

The Examiners have further announced to the following candidates that their answers to the questions at the examination were highly satisfactory, and would have entitled them to prizes or certificates of merit if they had been under the age of twenty-six:—

1. William Bowles Barrett, aged thirty, who served his clerkship to Mr. George Andrews, of Weymouth.

2. William Wallis, aged twenty-seven, who served his clerkship to Mr. Wm. Newton, of Newark.

The number of candidates examined in this term was eighty-eight; of these seventy-one were passed and seventeen postponed.

By order of the Council,

E. W. WILLIAMSON, Secretary.

Law Society's Hall, Chancery-lane,  
London, May 7, 1863.

### BOOKS RECEIVED.

The English Constitution, by Dr. Edward Fischel. Translated from the Second German Edition, by Richard Jemery Shee, of the Inner Temple. Post8vo., pp. 604.—Bosworth & Harrison.

The Institution of the English Government: being an Account of the Constitution, Powers, and Procedure of its Legislative, Judicial, and Administrative Departments; with copious References to Ancient and Modern Authorities. By Homersham Cox, M.A., Barrister-at-Law, Author of "The British Commonwealth." 8vo., pp. 849.—H. Sweet.

### Imperial Parliament.

#### HOUSE OF COMMONS.—Tuesday, May 12.

Mr. Cox obtained leave to bring in a bill to amend the Leases and Sales of Settled Estates Act, 1856.

#### Thursday, May 14.

Mr. Hunt obtained leave to bring in a bill to amend the law relating to election petitions.

Mr. Butt obtained leave to introduce bills to amend the law relating to giving security for costs, and to make better provision for the enforcement in England and Ireland of decrees and orders of the Courts of Chancery, Probate, and Divorce.

#### Monday, May 18.

#### NEW COURTS OF JUSTICE.

Mr. A. Mills asked the Secretary of State for the Home Department whether her Majesty's Government had arrived at any decision as to the course to be adopted with reference to the building and concentration of courts of justice, and the sites to be chosen for that purpose; and if so, whether he would state what measures it had been determined to adopt.

Sir G. Grey said, it was the intention of his right hon. friend the First Commissioner of Works to ask for leave to bring in a bill for the appropriation of certain funds for the purpose referred to in the question of the right hon. gentleman. If he succeeded in carrying that bill, a measure would be brought in next session to enable the Government to effect what was desired in relation to the courts of justice. Such a bill as the latter could not be brought in this session, as the necessary Standing Orders had not been complied with.

### Court Papers.

#### EQUITY CAUSE LISTS, TRINITY TERM, 1863.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—Cl. Claim—C. Costs—D. Demurrer—E. Exceptions—F. C. Further Consideration—F. D. Further Directions—M. Motion—M. D. Motion for Decree—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Rehearing—Sp. C. Special Case—S. O. Stand Over—Sh. Short.

#### Before the LORD CHANCELLOR and the LORDS JUSTICES.

##### APPEALS.

Mertens v. Haigh (W., April 14)  
Bousfield v. Lawford (R., April 16)  
Chapman v. Brown (K., April 16)  
Woodward v. Woodward (S., April 16)  
Coulson v. Coulson (R., April 20)  
Felthouse v. Pocock (R., April 30)  
Hannah v. Hodgson (R., May 7)

Harding v. Martin (S., May 7)  
Great Western Railway Co. v. Metropolitan Railway Co. (W., May 7) May 23  
Parish v. Parish (R., May 7)  
Nicklasson v. Cockill (K., May 7)  
Wyllie v. Pollen (S., May 7)  
Sisson v. Giles (S., May 8)  
Norris v. Jackson (S., May 9)  
Cotton v. Wyld (R., May 9)  
Cresser v. Radford (W., May 19)  
Baxendale v. West Midland Railway Co. (M D) L. C.

#### Before the Right Hon. the MASTER OF THE ROLLS.

##### CAUSES, &c.

Att.-Gen. v. Clifton (M D, part heard)  
Fairhead v. Southes (M D)  
Dowling v. Caldecot (Cause)  
Chatfield v. Lord Tredegar (M D)  
Lillie v. Kingdon (M D)  
Hayley v. Lamb (M D)  
Withey v. Hodges (M D)  
Sutcliffe v. Knowles (M D)  
M'Lean v. Haines (Cause) May 27

Larkins v. Watson (F C)  
Higgs v. Ramage (M D)  
Whale v. Griffiths (M D)  
Bury v. Bedford } (M D)  
Bury v. Bedford }  
Coventry v. Barclay (M D)  
Karnahaw v. Bradbury (M D)  
Ward v. Ghimes (M D)  
Selby v. Wallace (F C)  
Broadhurst v. Croeland (M D)  
Idle v. Howell (M D)  
Thompson v. Tempest (M D)  
Att.-Gen. v. Johnson (M D)  
Harvey v. Harvey (Cause)  
Lucas v. King (F C)  
Flint v. Hunt } (F D)  
Larkins v. Hunt }  
Wright v. Sparks (F C)  
Shaw v. Shaw (M D)  
Proctor v. Slight (F C)  
Rede v. Oakes (M D)  
Mawhood v. Simpson (M D)  
Wallis v. Barker (M D)  
Harrison v. Benn (F C)  
Domville v. Taylor (Sp C)  
Overton v. Crittall (F C)  
Beamish v. Millington (M D)  
Tann v. Tann (Sp C)  
White v. Steward (F C)  
May v. May (M D)  
Goring v. Baron Vivian (M D)  
Ingram v. Brown (M D)  
Vaudrey v. Galbraith (M D)

Pocklington v. Pocklington  
In re Pocklington  
Pocklington v. Pocklington } (F C)  
Butterworth v. Eaves (M D)  
Cotchin v. Hewson (F C)  
De Garagnol v. Liardet (Sp C)  
J. Allison v. R. Allison (F C)  
Matthews v. Little (M D)  
Allison v. Allison (M D)  
Cotton v. Company and Proprietors of the Birmingham Canal Navigation (M D)  
Bull v. Hutchens (M D)  
Cottrell v. Pring (M D)  
Reay v. Rawlinson (F C)  
Turner v. Turner (Cause)  
Walker v. Lawrence } (F C)  
Walker v. Etherington }  
Greenhill v. Smith (M D)  
Harrop v. Holt (F C)  
Tarleton v. Birks (M D)  
D'Eyncourt v. Lord Downe (M D)  
Phillipson v. Kerry (M D)  
Simpson v. Walmsley (Cause)  
Shadwell v. Kinnear (M D)  
Lloyd v. Pearson (M D)  
Jones v. Peberdy (M D)  
Stocks v. Hammond (M D)  
Suffield v. Brown (M D)  
Coventry v. Coventry (Cause)  
Cood v. Cood (M D)  
Joynson v. Townsend (F C)  
Buck v. Boakes (M D)  
Pinney v. Sir William Marriott, Bart. (M D)  
Lewis v. Evans (F C, Summons to vary)  
Morgan v. Beacham (F C)  
Mills v. Minton (M D)  
Hogg v. Cook (F C)  
Yearsley v. Yearsley (F C)  
Robinson v. Shepherd (M D)

Ismberg v. East India House  
Estate Co. (Limited) (M D)  
Lane v. Swatman (Cause)  
In re Poole } (F C)  
Stevenson v. Wilton }  
Richards v. Browning (M D)  
Reynolds v. Matthews (Cau.)  
Ingram v. Morecroft (Cause)  
D'Byncourt v. Gregory (F C)  
Sidebottom v. Hurst (F C)  
Adsetts v. Hives (M D)  
In re Bibby } (F C)  
Bibby v. Thompson }  
Hardwick v. Shaw (M D)  
Burchett v. Burchett (M D)  
Whipps v. Remnant (M D)  
Poyser v. Curzon (M D)  
Drakeford v. Drakeford (F C)  
Kingsford v. Gardner (F C)  
Harvey v. Harvey (M D)  
Wade v. Wade (M D)  
Scott v. Scott (M D)  
Chapman v. Bradley (M D)  
Hors v. Hors (M D)  
Manning v. Jackson (M D)  
Stevenson v. Jackson (M D)  
Thompson v. Boyer (Cause)  
Hurst v. Livesley (Sp C)  
Home v. Patrick (Cause)  
Home v. Peirse (Cause)  
European Assurance Society  
v. Piddocks (Cause)  
Haywood v. Reese (M D)  
Jackson v. Addis (M D)  
Bousfield v. Hodges (Cause)  
Brown v. Kennedy (M D)  
Pattison v. Courtenay (Cause)  
Collishaw v. Jones (F C)  
Harvey v. Lee (M D)  
Sutcliffe v. Appleyard (M D)  
Sinkins v. Langford (F C)  
Dew v. Nicholson (M D)

M'Bride v. Prickett (M D)  
Sexton v. Sexton (M D)  
Ooddeen v. Oakeley (F C,  
Summons to vary)  
In re Willis } (F C)  
Jackson v. Hawkins }  
Edwards v. Broughton (Sp C)  
Boyd v. Radcliffe (M D)  
Walton v. Semple (F C)  
Middleton v. Chichester (M  
D)  
Seton v. Sullivan (M D)  
Hodgson v. Moody (F C)  
Jones v. Dangerfield } (F  
Palmer v. Dangerfield } C)  
Stace v. Ede (F C)  
Verrall v. Cooper (Sp C)  
India Freehold Land, &c. As-  
sociation (Limited) v. Las-  
celles (M D)  
Boyd v. Robinson (F C)  
Williams v. Allen (F C)  
Barnes v. Bond } (F C)  
Bond v. Barnes }  
Williamson v. Cooper (M D)  
Mottley v. Mottley (F C)  
Scales v. Scales (M D)  
In re Abbot } (F C, adjd.  
Abbot v. Abbot } from ch.)  
Snelling v. Hoppe (M D)  
Campbell v. Coxon (M D)  
Williams v. Williams (M D)  
Bowen v. Probert (Cause)  
Hearn v. Caffary (M D)  
Fitzroy v. Dufton (M D)  
Selby v. Laimbeer (F C)  
Hennessey v. Bray (M D)  
Brymer v. Brymer (M D)  
Wallis v. Morris (M D)  
Parton v. Parton (M D)  
Mitchell v. Ellis (M D).

Vallance v. Vallance (Cause)  
Liscombe v. Emmett (Cause)  
Sir F. Currie, Bart., v. Lar-  
kins (M D)  
Smales v. Barrick (M D)  
Wilkins v. Sibley (M D)  
Symons v. Marine Society  
(F C)  
Story v. Story (F C)  
Price v. M'Beth (Cause)  
Davies v. Davies (M D)  
Cottrell v. Cottrell (M D)  
King v. Chaplin (Cause)  
Tarbotton v. Earle (F C)  
Edwards v. Dewey (Cause)  
Rowlatt v. Easton (F C)  
Pettifer v. Gery (M D)  
Whitehead v. French (M D)  
Fox v. Earl Amherst and 9  
other causes (F C, Sums.)  
Pelly v. Bascombe (Cause)  
Greenhill v. Smart (Cause)  
Cooper v. Gostling (Cause)  
Attack v. Saffery (M D)  
Birchley v. Meazle (M D)  
Charrington v. Elderton (M  
D)  
Gerrard v. Dawes (F C)  
Hague v. Bromley (M D)  
Matson v. Dennis } (F C)  
Matson v. Dennis }  
Ullathorne v. Aldin (M D)  
In re Dawes } (F C, from  
Dryden v. Dawes } chambers)  
Brown v. Birchneil (M D)  
Curlewis v. Waller (Cause set  
down by defendant)  
Hutton v. Beeton (M D)  
Snowdon v. Metropolitan  
Railway Co. (Cause)  
Avery v. Sutcliffe (F C)  
Ross v. Crystal Palace and  
South London Junction  
Railway Co. (M D)  
Sells v. Hoskins (Cause)  
Becke v. Simpson (F C)  
Bailey v. Skipp (M D)  
In re Ude } (F C, from  
Boys v. Boys } chambers)  
Boulton v. Sankey (M D)  
Harris v. Pettit (F C)  
Hooper v. Surrage (M D)  
White v. White (Cause)  
Wroe v. Seed (F C)  
Gould v. Domett (M D)  
Lucas v. Williams (F C)  
Bamford v. Barkworth (F C)

Slee v. Mayor, &c. of Bradford  
(M D)  
Brown v. Weller (M D)  
Bargent v. Thomson (M D)  
Strange v. Fooks (Cause)  
Honeycombe v. Peake (M D)  
Spirett v. Willows (Cause)  
Prytherch v. Prytherch (M D)  
Poolethwaite v. Travers (M D)  
Ancona v. Robinson (M D)  
Yetta v. Hilton (M D)  
Bean v. Williams (Cause)  
Tucker v. Larder (F C)  
Re Grant's Es- } F. C. from  
tate } chambers  
Grant v. Grant } and Sums.  
Rowlands v. Allberry (M D)  
Staniland v. Seaton (M D)  
Wilson v. Featherstone (F C)  
Berrow v. Berrow (M D)  
West v. Brooke (M D)  
Rackham v. De la Mare (M  
D)  
Rowell v. Lee (F C)  
Waterton v. Wright (Cause)  
Hollings v. Brooke (Cause)  
Fothergill v. Fothergill (F C)  
James v. Magnay (M D)  
Linakill v. Blyth and Tyne  
Railway Co. (M D)  
Currie v. Ward (M D)  
West v. Borrett (M D)  
Godfrey v. Whitehead (M D)  
Wilkinson v. Smith (F C)  
Marsh v. Peacocks (M D)  
Cruckshank v. Cruckshank  
(F C)  
Lee v. Wright (F C)  
Harbord's Estate } (F C)  
Harbord v. Har- } from  
bord } chambers  
Nicholson v. Hall (Cause)  
Ion v. Jenkins (Cause)  
Helliwell v. Ward (M D)  
Walters v. Townsend (M D)  
Cole v. Arbutnot (M D)  
Croft v. Croft (M D)  
Indge v. Pendygrasse (F C)  
Futvoys v. Kennard (M D)  
Futvoys v. Kennard (Cause)  
Hooker v. Steele (M D)  
Lees v. Becker (M D)  
King v. King (M D)  
Lee v. Bannister (M D)  
Taylor v. Hayles (M D)  
Huntley v. Charlton (Cause).

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

CAUSES, &c.

Faulkner v. Llewellyn (M D,  
part heard)  
Middlebrook v. Bromley (D)  
Earl of Shrewsbury v. North  
Staffordshire Railway Co.  
(D)  
Wallace v. Auldjo (M D)  
Thomas v. Cross (M D)  
Bodger v. Bodger (Cause)  
Thompson v. Thompson (M  
D)  
Harrow v. Whip (M D)  
Tuckniss v. Alexander (Cau.)  
Penfold v. Kelly (M D) June 1  
Shrubsole v. Schnieder (M D)  
Schnieder v. Shrubsole (M D)  
Gorton v. Hooper (M D)  
Williams v. Williams (M D)  
Davies v. Nixon (M D)  
Hurrell v. Honey (M D)  
In re Snaith } (F C)  
Snaith v. Snaith }  
Buckeridge v. Whalley (F C)

Lambe v. Orton } (Rehear-  
Lambe v. Orton } ing)  
Lambe v. Tibbitts }  
Jenner v. Sir J. Morris, Bart.,  
(F C)  
Milnes v. Asted and 2 other  
causes (F C)  
Cox v. Stephens (Cause)  
Harley v. Lewis (Cause)  
Robertson v. Jones (M D)  
De Broc v. Dawson (F C)  
Little v. Buckle (Sp C)  
Rolfe v. Gregory (M D)  
Pritchard v. Palmer (M D)  
Harris v. Harris (F C)  
Whitelock v. Hassall (F C)  
Cadle v. Woollett (F C)  
Scott v. Scott (M D)  
Pilkington v. Myers (M D)  
Pince v. Beattie (Cause)  
Austin v. Snow (M D)  
Banking v. Barnes (F C)  
Ernest v. Vivian (Cause).

*Before the Vice-Chancellor Sir JOHN STUART.*

CAUSES, &c.

Pearson v. Rio de Janeiro  
City Improvements Co. (D)  
Selby v. Whittaker (M D)  
Metters v. Brown (Cause)  
Thornton v. Ramaden, Bart.  
(M D) June 23

Mitchell v. Wyndham (M D)  
Charlton v. Coombes (M D)  
S O  
Dodd v. Bates (M D)  
Smoothy v. Rumball (M D)  
Croft v. Graham (Cause)

*Before the Vice-Chancellor Sir W. P. WOOD.*

CAUSES, &c.

Smith v. Leveaux (Cause, part  
heard)  
Westbury v. Clapp } (M D)  
Gale v. Clapp }  
Craig v. Wallington (Cause)  
Dickinson v. Bartholomew  
(Cause)  
Jones v. Jones (F C)  
Burrows v. Claydon (F C)  
M'Dermott v. Scanlan (F C)  
Boucicault v. Delafield (Cau.)  
King v. Bellord (M D)  
Park v. Hind (E to answer)  
Walsham v. Stainton (D)  
Parsons v. North (M D)  
Knox v. Gye (M D)  
Leather Cloth Co. (Limited)  
v. American Leather Cloth  
Co. (Limited) (M D)

Tompsett v. Harmer (F C)  
Robson v. Leatham (M D)  
Marriott v. Marriott (Cause)  
June 5  
Foster v. Gladstone (M D)  
Putlock v. King (M D)  
Gimber v. Coleman (M D)  
Baker v. Donovan (M D)  
Churchill v. Sewell (F C, first  
Cause day)  
Lascaridi v. Gurney (Cause)  
May 27  
Michell v. Rogers (M D)  
Wotherspoon v. Lamberton  
(M D)  
Frampton v. Webb (M D)  
In re Brooks } (F C)  
Brooks v. Brooks }  
Davis v. Davis (F C)

**Pryor v. Pryor** (F C, second Cause day)  
**Beavill v. Sheehy** (M D)  
**Mannell v. Midland Great Western Railway of Ireland Co.** (M D) June 3  
**Kent v. Dowding** (Sp C)  
**Simpson v. South Yorkshire Railway and River Dun Co.** (M D)  
**Morgan v. Myers** (M D)  
**Drake v. Row** (F C)  
**Gordon v. Gordon** (M D)  
**Molyneux v. Robinson** (F C)  
**Neve v. Pennell** (M D)  
**Maturin v. Tredinnick** (Cau.)  
**Whitmore v. Severn Valley Railway Co.** (M D)  
**Vicomte de Brimont Braesac v. Martyn** (M D)  
**Dendy v. Cary** (M D)  
**Hardman v. Fiahwick** (M D)  
**Doyle v. Townsend** (M D)  
**Waugh v. Waugh** (M D)  
**Morrell v. Stephens** (Cause)  
**Firmin v. Firmin** (M D)  
**Maddick v. Tallis** (M D)  
**North Staffordshire Railway Co. Lawton** (Cause)  
**Molesworth v. Sneed** (M D)  
**Boore v. Lane** (M D)  
**Santler v. Plunkett** (M D)  
**Ashcombe v. Ashcombe** (M D)  
**Barber v. Hall** (M D)  
**Royston v. Royston** (M D)  
**Capewell v. Lawrence** (M D)  
**Pearl v. Davy** (M D)  
**Tinsley v. Lacy** (M D, first Cause day)

**Smith v. Bowden** (F C)  
**Woolham v. Ratiff** (Cause, first Cause day, witnesses to be examined vivâ voce)  
**Roscoe v. Lacey** (M D)  
**Smith v. Robin** (M D)  
**Edys v. Addison** (M D)  
**Dorling v. Claydon** (F C, and Summons to vary)  
**Brickwell v. Glenister** (M D)  
**Gardner v. Jervis** (F C)  
**Swaine v. Great Northern Railway Co.** (M D)  
**Hoare v. Hoare** (Cause)  
**Middleton v. Greenwood** (Cause)  
**In re Burnaby Knapp v. Burnaby** } (F C adj. chambers by  
**Flockton v. Peake** (Cause)  
**Hulton v. Fairlamb** (F C)  
**Rogers v. Michel** (Cause)  
**Freeman v. Ellis** (M D)  
**Tucker v. Helder** (F C)  
**Carlson v. Sercome** (M D)  
**Tennant v. Tenant** (F C)  
**Howard v. Ray** (M D)  
**Neale v. Luckie** (Cause)  
**River Fergus Navigation and Embankment Co. v. Cahill** (M D)  
**Brockman v. Polson** (Cause)  
**Attorney-General v. Sittingbourne and Sheerness Railway Co.** (M D)  
**Heather v. Heather** (F C)  
**Smith v. Whitmore** (Cause)  
**Merton v. Myers** (M D)  
**Lightfoot v. Bursall** (M D)  
**Jayne v. Harris** (F C).

**Midd.—Francis v. Brown**  
**Granville v. Hayward**  
**London.—Hurrell v. Bullard**  
**Adams v. Graham**  
**Same v. Same**  
**Pitch & an. v. St. George**  
**Bulgin v. Frankenstein**  
**Essex.—Knott v. Wilson**  
**Kent.—Lister v. Hansom**  
**Norfolk.—Coe v. Wise**  
**Warwick.—Jervoise v. Bill**  
**Durham.—Slater v. Mayor of Sunderland**  
**York.—Baines v. Swainson**  
**Schofield v. Middlebrook**  
**Liverp.—Carr v. Royal Exchange Insurance Co.**

**Liverp.—Carr v. Montefiore**  
**Ross v. Cox**  
**Walker v. Hutchinson**  
**M'Mahon v. London and North-western Railw. Co.**  
**May v. M'Mahon**  
**Chester.—Titherington v. Pen-son**  
**Devon.—Trood v. Balkwell**  
**Biddulph v. Goolde**  
**Same v. Same**  
**Clark & an. v. Stark**  
*Tried during Term.*  
**Midd.—Lacy v. Rhys**  
**London.—Goss v. Scoones**  
**Wishart & an. v. Fowler.**

## SPECIAL PAPER.

Those marked thus \* are Special Cases, and thus † De-murrers.

## FOR JUDGMENT.

\* **Calcutta & Burmah Steam Navigation Co. (Limited) v. De Mattos**  
 \* **De Mattos v. Calcutta and Burmah Steam Navigation Co. (Limited)**  
 \* **Osborn v. Donald**  
 † **Griffin v. Dighton & an.**

## FOR ARGUMENT.

† **Harvey v. Mortimore and Jeffery** (To be argued with the case in the New Trial Paper)  
 † **Harvey v. Mortimore and Kelland** (Ditto)  
 † **Holden v. Horton & ora.**  
 † **Worthington v. Sudlow** (Case to be stated)  
 † **Nicholson & ora. v. Potts**  
 \* **Anderson & an. v. Knecker**  
 \* **Hodgkinson v. Ennor**  
 \* **Barrett v. Lamb**  
 \* **Whitehead v. Heathorn**  
 † **Gill & an. v. Summers**  
 \* **Workman v. Great Northern Railway Co.**  
 † **Toutill & an. v. Douglas**  
 † **Thomas v. Shirley**  
 † **Hunter v. Middlebrook** (Appeal from County Court)  
 † **Walker v. Hutchinson** (To be argued with the case in the New Trial Paper)  
 \* **Cotes v. Lewisham Board of Works**

**Williams v. Growcott** (Appeal from County Court)  
 † **Clayton v. Best**  
 † **Wilson v. Gabriel & an.**  
 † **Green & ora. v. Shafto**  
 † **Taylor v. Shafto**  
 \* **Spanton v. Hurves**  
 \* **Company of Proprietors of the Tamar Manure Navigation v. Wagstaffe**  
 † **Capua v. Commissioners of the Exhibition of 1863**  
 † **Beale v. London and South-western Railway Co.**  
 † **Official Manager of the National Assurance Association v. Stoy**  
 † **Jonasohn v. Young**  
 † **Walker v. Walker & an.**  
 \* **Bourne & an. v. Mayor, &c. of Borough of Liverpool**  
 \* **Ward v. Day & an.**  
 † **Havisdale v. South-eastern Railway Co.**  
 † **Hartnall v. Ryde Commissioners**  
 † **Adams v. Cottlin**  
 \* **Mayor, &c. of Liverpool v. Bright & an.**  
 \* **Leigh v. Stockport Tannery, &c. Railway Co.**  
 \* **Guardians of Sealecoats Union, &c. v. Fox & ora.**  
 † **Gee & ora. v. Pack**  
 † **Hooper v. Sibley**  
 \* **Stebel v. Springfield & ora.**

## COMMON-LAW CAUSE LISTS, TRINITY TERM, 1863.

Court of Queen's Bench.  
NEW TRIALS.

## FOR JUDGMENT.

**Glamorg.—Richards v. Morgan**  
**London.—Morgan v. Morgan**  
**London.—Roberts v. Shaw**

## FOR ARGUMENT.

*Moved Easter Term, 1859.*  
**Midd.—Betts v. Menzies**  
*Moved Easter Term, 1862.*  
**London.—M'Crea v. Holdsworth**  
**Devon.—Harvey v. Mortimore and Kelland** (D. to come on with this rule)  
 — **Same v. Mortimore and Jeffery** (Ditto)  
 — **Same v. Mortimore and Kelland** (Ditto)  
 — **Same v. Mortimore and Jeffery** (Ditto)

*Tried during Term.*

**Midd.—Wand v. Lampart**  
**London.—Balls v. Bownser**  
 — **Same v. Same**

*Moved Trin. Term, 1862.*

— **Rothera v. Clark**

*Tried during Term.*

**Midd.—Tenant v. Bankhart** (Part heard)

*Moved Mich. Term, 1862.*

**London.—Hales v. London and North-western Railway Co.**  
**Chester.—Reg. v. Lord Delamere & ora.**  
**Liverp.—Clarke v. Taylor**  
 — **Taylor v. Clarke & an.**  
**Hants.—Barnes v. Minchin**  
**Wilts.—Freeman v. Read**  
 — **Woolford v. Read**  
 — **Barnes v. Read**  
**Dorset.—Polden v. Bastard**  
**Kent.—Mennell v. Mayor, &c. of the City of Rochester**  
**Sussex.—Bellamy v. Saull**  
**Surrey.—Lockaley v. Rhys**  
**Glamorgan.—Reynolds v. Crawley** (Not till Crawley v. Reynolds disposed of)  
*Tried during Term.*

**London.—Harrison v. Hollingsworth**

*Moved Hil. Term, 1863.*

**Midd.—Reitinger v. Temple**  
**Liverp.—Jones v. Liverpool Steam-tug Co.**

*Tried during Term.*

**Midd.—Bailey v. Edwards**

*Moved Easter Term, 1863.*

**Midd.—Clutterbuck v. Deeks**

## ENLARGED RULES.

## FOR JUDGMENT.

**In re De Medina**

## FOR ARGUMENT.

*First Day.*

**Betts v. Menzies** (To come on with case in New Trial Paper)  
**Dinsdale v. London, Brighton, & South-coast Railway Co.**  
**Harrison v. Hollingsworth**  
**In re Leaf and Metropolitan Railway Co.**

**Chartered Bank of India, &c. v. Rich**

**In re S. H. Barrow**  
**Grant v. Abbess**  
**Reg. v. Mellor**  
**Reg. v. Inhabitants of Harlow**  
**Reg. v. Richardson & ora.**

*Fourth Day.*

**Reg. v. Calthorpe**

*Fifth Day.*

**Clarke v. Gregory.**

## CROWN PAPER, TRINITY TERM.

Tewkesbury ....	Reg. v. Severn Navigation Commissioners (To stand over for the decision in the House of Lords).
Surrey .....	Measor (Ditto).
Durham.....	Stockton and Darlington Railway Co.
Same .....	Inhabitants of Barnard Castle.
Norfolk .....	Fuller v. Newland.
Cardiff .....	British Electric Telegraph Co. v. Davies.
Carnarvon.....	Reg. v. Inhabitants of Llangian.
Huntingdonshire	Lord Sherrard & ors.
Worcestershire	West Midland Railway Co.
Yorkshire .....	Garbut v. Simpson.
Sussex .....	Taylor v. Newman.
Kent .....	Smith v. Stokes.
Sussex .....	Wright v. Surveyors of the Parish of Frant.
Bucks .....	Reg. v. Scott.
Oxfordshire .....	Hall & an.
Staffordshire.....	London and North-western Railway Co.
Norfolk .....	Calthrop.
Suffolk .....	Stimpson.
Same .....	Peak.
Somersetshire...	Churchward. of Wellington, Aps., Churchward. of Whitchurch, Resps.
Yorkshire .....	Reg. v. Inhabitants of West Ardaley.
Cardiganshire...	Thomas.
Middlesex.....	Churchwardens of St. George, Bloomsbury.
Cheshire .....	Inhabitants of Dukinfield.
Middlesex.....	Morrish.
Same .....	Same.
Surrey .....	Greville.
Yorkshire .....	Overseers of Hartshead.
Middlesex.....	Guardians of the Brentford Union, Aps., Guardians of the Chertsey Union, Resps.
Glamorganshire	Reg. v. Inhabitants of the Parish of Llangenny, Breconshire.
Middlesex.....	Board of Works of the Strand District.

## Court of Common Pleas.

## NEW TRIALS.

<i>Moved Mich. Term, 1862.</i>	London.—Williams v. Smith
Warwick—Loveday v. Moore	— Same v. Same
Derby—Hancock v. Austin (Part heard)	— Gray v. Jones & ors.
<i>Moved Hil. Term, 1863.</i>	— Peacock v. Pursell
London.—Chapman v. Adams	— Sheppard v. Carlisle
<i>Moved Easter Term, 1863.</i>	— Mann v. Day
Midd.—Pigott v. Cubley	— Quilter v. Jones & an.
— Shipley v. Marshall	— Eaton v. Denham
London.—Williams & ors. v.	Bristol.—Martyn v. Gray
Swansea Harbour Trustees	— Jolly & an. v. Rees
— Collingwood v. Berkeley	York.—Rumsey v. North-eastern Railway Co.
— Same v. Same	Surrey—Bouillon & Co. v. Lupton
— Moore v. Colyan	— Kidner v. Keith
— Barker v. Highley	— Aldis v. Latter
— Buswell v. Parkes	Essex—Lee v. Dixon
— Green v. Bartlett	Carnarv.—Williams v. Owen
	Chester—Dean v. Mellard.

## DEMURRER PAPER.

## SPECIAL ARGUMENTS.

<i>Friday, May 29.</i>	Lawrence v. Todd (Ap.)
Naylor v. Mortimore (D., case when signed to be argued herewith)	Spitzer v. Chaffers (D.)
Vyner v. Mersey Docks and Harbour Board (Arb.)	Howells v. Wynne (Ap.)
M'Intyre v. Belcher (D.)	Same v. Same (Ap.)
Ilderton v. Jewell & an. (D.)	Wood v. Wimbledon & Dorking Railway Co. (Case from Nisi Prius)
Harris & ors. v. Anderson & ors. (Ap. from County Ct.)	Hodgson v. Little (Ap.)
Earle v. Mangham (D.)	Berkeley v. Shafto (D.)
	Lara v. Hill (Case from Nisi Prius)

Monday, June 1.  
Booth v. Gair (Sp. C. by ord.)

Nelson & ors. v. Couch (D.)  
Baird & ors. v. Williams (D.)

## ENLARGED RULES.

Shelley v. Evans	Ex parte Cary and Same
In re Robinson v. Knight	In re Poole ex parte Howes
In re Nickoll ex parte Crisp	Morris v. Latour (Cox & Co. garnishees)
In re Wolverhampton Local Board of Health v. Hodges	In re White v. Steele & an.
Same v. Davis	Sürman & an. v. Gelpcke & ors. (Goschen, garnishee. Until case in Exchequer Chamber disposed of).
In re Jones	
Ex parte Keeling and South-eastern Railway Co.	

## CUR. ADV. VULT.

Baxendale & an. v. Great Western Railway Co.	Aldridge v. Great Western Railway Co. (Stand over for case in House of Lords)
Blasco v. Fletcher	Robins v. Jones.
Ellis v. Mayor, &c. of Bridgnorth	

## Court of Exchequer.

## SITTINGS—TRINITY TERM.

Days in Term.	Banc.
Friday ..... May 22	Motions and Peremptory Paper.
Saturday..... 23	Errors, Peremptory Paper, and Motions.
Monday..... 25	.....
Tuesday..... 26	.....
Wednesday..... 27	Special Paper.
Thursday ..... 28	Circuits chosen.
Friday ..... 29	.....
Saturday..... 30	Criminal Appeals
Monday ..... June 1	Special Paper.
Tuesday..... 2	.....
Wednesday..... 3	Special Paper.
Thursday ..... 4	.....
Friday ..... 5	.....
Saturday..... 6	.....
Monday ..... 8	Special Paper.
Tuesday..... 9	.....
Wednesday..... 10	.....
Thursday ..... 11	.....
Friday ..... 12	.....

## Days in Term.

Monday ..... May 25	Middlesex, first Sitting.
Friday ..... May 29	London, first Sitting.
Monday ..... June 1	Middlesex, second Sitting.
Friday..... 5	London, second Sitting.
Monday..... 8	Middlesex, third Sitting.

## NEW TRIALS.

FOR JUDGMENT.	Liverp.—Leiden v. Lawrence
<i>Moved Mich. Term, 1862.</i>	Chester—Mead v. Brown
Haverfordwest—Robertson v. Powell & an.	Shrewsb.—Cooke v. Waring
Lincoln—Cawdron v. Great Northern Railway Co.	Exeter—Bunbury v. White
<i>Moved Easter Term, 1863.</i>	Devizes—Bush v. Martin
Liverp.—Duckworth v. Ewart	Bristol—Holmes v. Morris
FOR ARGUMENT.	Chelmsford—Keys v. Mann
<i>Moved Hilary Term, 1863.</i>	Kingston—Meyer v. Barnett
London.—Kühn v. Bicker Caarten	— Martin v. Higgs
<i>Moved Easter Term, 1863.</i>	Bury St. Ed.—Ford v. Ager
London.—Beavan v. Countess of Waldegrave	Swansea—Kynaston v. Nicholson & ors.
— James v. Lym	Brecon—Snead v. Williams
Durham—Fenwick v. Hedley	<i>Moved after the 4th day of Easter Term, 1863.</i>
Liverp.—Sill v. Swann	Midd.—Turley v. Bates
— King & ors. v. Walker	— Bramley v. St. Marylebone
	London.—Henson v. Courtney, Adms., &c.

## SPECIAL PAPER.

## FOR JUDGMENT.

Dell v. King (D.)

## FOR ARGUMENT.

Brewer v. Dimmack (D., part heard, standing over for arrangement)

London and North-western Railway Co. v. Great Western Railway Co. (D., standing over for arrangement)

The Anglo-Californian Gold-mining Co. v. Lewis (D., to stand over)

Fresart v. Lawrence (D., to stand over till issues in fact tried)

Measom v. Henry (D., to stand over till appeal in Measom v. Finnigan disposed of)

Hodgson v. Wood (D., part heard, to stand over till Sp. C. settled, both to be argued together)

Earl of Lonsdale v. British &amp; Irish Magnetic Telegraph Co. (Limited) (D., to stand over till after argument of Sp. C.)

Rail v. Union Bank of London (D., part heard, to stand over till issues in fact tried)

Waldron v. Wallinger (D., pt. heard, stand over till after issues in fact tried)

Wright v. Griffiths (D., to stand over till after decision of a similar case in Exchequer Chamber)

Bayley v. Griffiths (D., to stand over till after decision of a similar case in Exchequer Chamber)

Fenwick v. Hedley (D., part hd., order to come on with rule in New Trial Paper)

Senior v. Metropolitan Railway Co. (Sp. C., by order of Martin, B.)

Collard v. Amos (Sp. C. by order of Blackburn, J., to stand over for arrangement)

Birmingham v. Hubbell (D.)

Wearing v. Underhill (D.)

Geore v. Mare (D.)

Morten &amp; an. v. Marshall (D.)

Knapp v. London, Chatham, &amp; Dover Railway Co. (D.)

Overseers of the Parish of Staples Inn v. Guardians of the Holborn Union (Ap.)

South-eastern Railway Co. v. Warton (D.)

Stockport Waterworks Co. v. Potter &amp; ors. (Sp. C., by order of Blackburn, J.)

## PEREMPTORY PAPER.

*To be taken on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.*

South-eastern Railway Co. v. Warton

Godson v. Robinson  
Phillips v. Ward.

## ERRORS AND APPEALS.

## FOR JUDGMENT.

Beal &amp; an. v. South Devon Railway Co. (Ap.)

## FOR ARGUMENT.

Robbins v. Evans & ors. (E.)  
Mayor & Aldermen of the City of London v. Cox (E.)

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this society was held at its rooms, 3, Waterloo-place, Pall-mall, on Monday, May 4, J. E. Johnson, Esq., in the chair. Mr. Pulling then made the following report of the special committee of the Law Amendment Society on law reporting:—"The deputation appointed by the society had the honour of an interview with the Lord Chancellor on the 21st April, and laid before his Lordship the views of the society as to an improved system of law reporting contained in the reports of the two committees appointed in 1849 and 1853, intimating that the subject of the important further question of consolidation of the law contained in the law reports had not yet been sufficiently considered by the society. His Lordship received the deputation in a very courteous manner, but being summoned to attend to his parliamentary duties, his Lordship intimated that he should deem the meeting only a preliminary one; and having subsequently requested the deputation again to meet him, the deputation had the honour of a second interview, when his Lordship stated that he was fully impressed with the evils of the present system of law reporting, but was not at present prepared to take any definite course with the view of effecting the remedy,

which, it was intimated, rested so very much with the Profession itself. His Lordship, however, made some very valuable suggestions for the consideration of the society in dealing with the whole question." On the motion of Mr. Pulling, the subject was referred to the special committee for further consideration. The motion was seconded by Mr. Lenton Pulling, and carried. Mr. Hastings read the report of the special committee on the "Treatment and Punishment of Convicted Criminals," and moved that the report be adopted and printed. Mr. Torrens seconded the motion, which was carried unanimously. Mr. F. Hill, Mr. Akroyd, Mr. H. G. Allen, Mr. Lenton Pulling, Mr. G. Harry Palmer, Mr. Roher, and the Chairman spoke on the motion.

RANSOM, JOSEPH, Hollington, Sussex, baker, May 23, Hastings. Off. Ass. Young; Sol. Meadows, Hastings.—Pet. f. May 6.

ROBINSON, JOHN, Burton-upon-Trent, Staffordshire, coopermith, June 15, Burton. Off. Ass. Hubbersty; Sol. Goodger, Burton.—Pet. f. May 11.

ROYDS, JOHN WILLIAM, Birmingham, tailor, May 27; Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. May 9.

RUMMALLS, RICHARD, Hayle, Cornwall, butcher, June 3, Exeter. Off. Ass. Hirtzel; Sols. Peter, Redruth; Pitts.—Pet. f. May 14.

SAUNDERS, HENRY, Dulverton, Somersetshire, tailor, May 25, Tiverton. Off. Ass. Daw; Sol. Cockram, Tiverton.—Pet. f. May 9.

SMITH, MILES, Steeton, Yorkshire, innkeeper, May 23, Leeds. Off. Ass. Young—Adj. May 12.

TAYLOR, HENRY, Burescombe, Devonshire, lime burner, May 27, Exeter. Off. Ass. Hirtzel; Sol. Flood, Exeter.—Pet. f. May 11.

TAYLOR, HENRY, St. Peter the Great, Worcestershire, china painter, May 25, Worcester. Off. Ass. Hill; Sol. Parker, Worcester.—Pet. f. April 30.

THOMAS, THOMAS, Llandovery, Carmarthenshire, licensed victualler, May 27, Llandovery. Off. Ass. Jones; Sol. Morris, Swansea, Glamorganshire.—Pet. f. May 9.

THOMPSON, MARTHA, Portsea, Hampshire, out of business, May 25, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. May 11.

TOWSEND, JOHN, Lenton, Cambridgeshire, ropemaker, May 30, Saffron Walden. Off. Ass. Collin; Sols. Probert & Co., Saffron Walden.—Pet. f. May 8.

TURNER, JOHN, Millsbridge, near Huddersfield, Yorkshire, gas engineer, May 28, Huddersfield. Off. Ass. Jones; Sol. Drake, Huddersfield.—Pet. f. May 7.

TURNER, JOHN, Sutton in Ashfield, Nottinghamshire, publican, May 27, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Pet. f. May 13.

VARNAM, GEORGE, Ullesthorpe, Leicestershire, baker, May 27, Lutterworth. Off. Ass. Gates; Sol. Ivons, Lutterworth.—Pet. f. May 6.

VIVER, GEORGE, Cliffe, near Lewes, Sussex, plumber, May 20, Lewes. Off. Ass. Blaker; Sol. Hillman, Cliffe, Lewes.—Pet. f. April 27.

WILKINSON, CHARLES, Dudley, Worcestershire, victualler, May 29, Birmingham. Off. Ass. Whitmore.—Pet. f. May 13.

WILKINSON, WALTER, Ashington, Sussex, plumber, May 23, Worthing. Off. Ass. Dennett; Sol. Goodman, Brighton.—Pet. f. May 11.

WILLIAMS, CHARLES, Shrewsbury, Shropshire, painter, June 8, Shrewsbury. Off. Ass. Peele; Sol. Davies, Shrewsbury.—Pet. f. May 12.

WORBALL, RICHARD, Kingswinford, Staffordshire, licensed victualler, June 1, Stourbridge. Off. Ass. Harwood; Sol. Maltby, Dudley.—Pet. f. May 11.

## BANKRUPTCIES ANNULLED.

ARMITAGE, SARAH, Birstal, Yorkshire, widow.  
SIGSWORTH, WILLIAM, Ross, Yorkshire, tailor.

## TUESDAY, May 19.

## BANKRUPTS.

*To be heard in London.*

BALL, WILLIAM, Middle-row, Holborn, bookseller, June 9. Off. Ass. Stansfeld; Sol. Redpath, 27, Walbrook.—Pet. f. May 16.

BRELEY, GEORGE, Union-street, Southwark, licensed victualler, June 2. Off. Ass. Stansfeld; Sol. Dimmock, 2, Suffolk-lane.—Pet. f. May 14.

BRAITHWAITE, ALBERT GEORGE, Stanley-street, Pimlico, clerk in the Audit Office, Somerset-house, June 2. Off. Ass. Stansfeld; Sol. Brook, 1, New-inn, Strand.—Pet. f. May 16.

BURNARD, WILLIAM MARDON, Hampstead-road, glass dealer, June 6. Off. Ass. Edwards; Sol. Atkinson, 5, Bow-street, Covent-garden.—Pet. f. May 13.

CAVE, JOHN, Worcester-street, Pimlico, accountant, June 1. Off. Ass. Edwards; Sol. Bramwell, 17, Southampton-buildings, Holborn.—Pet. f. May 15.

CHAMPION, THOMAS, High Holborn, and Eagle-court, Dean-street, Holborn, carpenter, June 4. Off. Ass. Graham; Sol. Cooper, 9, Charing-cross.—Pet. f. May 14.

COCKS, JAMES, St. James's-street, and Hartleyford-place, Kennington-park, tailor, June 2. Off. Ass. Cannan; Sol. Richards, 16, Warwick-street, Regent-street.—Pet. f. May 16.

DEBNEY, THOMAS, Mappledorwell, Southampton, market gardener, June 4. Off. Ass. Graham; Sol. Shiers, 5, New-inn.—Pet. f. May 13.



**DYSON, CHARLES YOUNG**, Great Randolph-street, Camden-town, out of employ, June 2. *Off. Ass. Stansfeld; Sol. Shephard, 9, Skeelane.*—*Pet. f. May 14.*

**GROVE, STEPHEN JAMES**, Pentonville-road, King's-cross, clothier, June 2. *Off. Ass. Cannan; Sols. Davidson & Co., 23, Basinghall-street.*—*Pet. f. May 15.*

**HARRIS, JOHN MYER**, Clifton-terrace, Maida-hill, and Sherbro, Africa, merchant, June 2. *Off. Ass. Stansfeld; Sols. Lawrence & Co., 14, Old Jewry-chambers.*—*Pet. f. May 14.*

**HILDA, LOUISA**, Windsor, Berkshire, saddler, June 1. *Off. Ass. Edwards; Sol. Dalton, 3, Bucklersbury.*—*Pet. f. May 11.*

**HUMPHREYS, JOHN PRICE**, Carey-street, Lincoln's-inn-fields, commission agent, June 2. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. May 15.*

**HUNT, JAMES HENRY**, Church, Old Kent-road, out of business, June 2. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. May 15.*

**KEMP, GEORGE**, Hillingdon, Middlesex, professor of music, June 6. *Off. Ass. Edwards; Sol. Gordon, 57, Old Broad-street.*—*Pet. f. May 14.*

**LEE, JAMES**, Norfolk-square, Paddington, boarding-house keeper, June 6. *Off. Ass. Edwards; Sol. Hamilton, 11, Great James-street, Bedford row.*—*Pet. f. May 14.*

**LEAK, ALEXANDER RITCHIE**, Whitechapel-road, refreshment-house keeper, June 1. *Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.*—*Pet. f. May 14.*

**LIGHT, JAMES**, Old Kent-road, iron bedstead manufacturer, June 6. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. May 15.*

**MULLER, MARKS LEOPOLD**, Mason's-avenue, Basinghall-street, and Brunswick-place, Holborn, watchmaker, June 6. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. May 14.*

**MYERS, JOHN, RYE, SUSSEX**, licensed victualler, June 2. *Off. Ass. Stansfeld; Sols. Keighley & Co., 73, Basinghall-street.*—*Pet. f. May 14.*

**NEWTON, WILLIAM JAMES**, Brewer-street, St. James's, Westminster, schoolmaster, June 6. *Off. Ass. Edwards; Sol. Dobie, 39, Great James-street, Bedford row.*—*Pet. f. May 14.*

**NORTON, THOMAS SHORTLAND**, Brunswick-terrace, Westbourne-grove West, carpenter, June 4. *Off. Ass. Graham; Sol. Foord, Pinner's-hall, Old Broad-street.*—*Pet. f. May 15.*

**PALFREY, FREDERICK JONES**, Avenue-terrace, Avenue-road, Camberwell, window-ticket writer, June 2. *Off. Ass. Cannan; Sol. Deere, 35, Lincoln's-inn-fields.*—*Pet. f. May 15.*

**POLYBLANE, THOMAS RICHARD JARVIS**, Westmorland-place, Bayswater, out of employment, June 2. *Off. Ass. Cannan; Sols. Treherne & Co., 17, Gresham-street.*—*Pet. f. May 14.*

**POOL, BENJAMIN**, Leman-street, Goodman's-fields, cattle salesman, June 2. *Off. Ass. Cannan; Sol. Solomon, 29, Finsbury-place.*—*Pet. f. May 14.*

**REA, JOHN**, Wood-street, King-square, Goswell-road, baker, June 2. *Off. Ass. Cannan; Sol. Heathfield, 19, Lincoln's-inn-fields.*—*Pet. f. May 16.*

**RUTLEDGE, THOMAS**, East Greenwich, foreman of a composite paving works, June 1. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. May 15.*

**SWIFT, WILLIAM ALFRED**, Maitland Park-villas, Kentish-town, gentleman, June 1. *Off. Ass. Stansfeld; Sol. Lomax, 118, Great Russell-street, Bloomsbury.*—*Pet. f. May 15.*

**TUNBULL, JAMES**, Newmarket-terrace, Cambridge-heath, Bethnal-green, coffee-house keeper, June 1. *Off. Ass. Stansfeld; Sol. Atkinson, 51, Bedford-row, Holborn.*—*Pet. f. May 15.*

**WARD, HENDERSON**, Southampton, captain in the Royal Marines Light Infantry, June 6. *Off. Ass. Edwards; Sols. Newman; Brakelbridge & Co., 16, Bartlett's-buildings, Holborn.*—*Pet. f. May 16.*

**WESTON, RICHARD**, Crown-street, Soho, jeweller, June 2. *Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.*—*Pet. f. May 14.*

**WILLIAMS, STEPHEN**, York-road, Battersea, June 1. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Adj. May 9.*

#### To be heard in the Country.

**ARBALL, THOMAS**, and **KEMP, GEORGE**, Darlington, Durham, builders, June 5, Newcastle-upon-Tyne. *Off. Ass. Baker; Sol. Story, Newcastle-upon-Tyne.*—*Pet. f. May 6.*

**BAINES, THOMAS**, Kendal, Westmorland, butcher, May 29, Kendal. *Off. Ass. Wilson; Sol. Thomson, Kendal.*—*Pet. f. May 14.*

**BLOOMFIELD, MATTHEW**, Thornham, Norfolk, mariner, May 29, Little Walsingham. *Off. Ass. Watson; Sol. Atkinson, Norwich.*—*Adj. Jan. 18.*

**BRISTOW, ISAAC**, Pembroke Dock, shipwright in her Majesty's dockyard, May 30, Pembroke. *Off. Ass. Lanning; Sol. Parry, Pembroke.*—*Pet. f. May 14.*

**BURTON, RICHARD**, St. Dominick, Cornwall, miller, June 1, Liskeard. *Off. Ass. Childs.*—*Adj. May 9.*

**CLAYTON, RICHARD**, Osett, Yorkshire, out of business, May 30, Wakefield. *Off. Ass. Mason; Sol. Barratt, Wakefield.*—*Pet. f. May 15.*

**CLOSE, THOMAS**, Ketton, Rutlandshire, stonemason, June 1, Stamford. *Off. Ass. Shield; Sol. Law, Stamford.*—*Pet. f. May 12.*

**COTTON, WILLIAM**, Longton, Staffordshire, commission agent, May 29, Birmingham. *Off. Ass. Whitmore; Sols. Litchfield, Newcastle-under-Lyme; James & Co., Birmingham.*—*Pet. f. May 14.*

**CULLEY, WILLIAM SAMUEL**, Sheffield, flour dealer, May 30, Sheffield. *Off. Ass. Young; Sols. Broomhead, Sheffield; Webster, Sheffield.*—*Pet. f. April 30.*

**DRAKE, GEORGE**, Birmingham, jeweller's stamp, June 15, Birmingham. *Off. Ass. Guest; Sol. Assinder, Birmingham.*—*Pet. f. May 14.*

**EVANS, WILLIAM**, Eldersfield, Worcestershire, carpenter, June 2, Upton-on-Severn. *Off. Ass. Gough; Sol. Wilson, Worcester.*—*Pet. f. May 5.*

**GALLOWAY, WILLIAM**, Heath, Derbyshire, colliery manager, May 30, Sheffield. *Off. Ass. Young; Sols. Green & Co., Manchester; Frieson, Sheffield.*—*Pet. f. May 16.*

**HALE, JOHN**, Swan-village, Staffordshire, retail brewer, June 5, Birmingham. *Off. Ass. Whitmore; Sols. James & Co., Birmingham.*—*Pet. f. May 16.*

**HARRIS, CHARLES**, Sibley, Lincolnshire, tailor, May 30, Boston. *Off. Ass. Staniland; Sol. York, Boston.*—*Pet. f. May 15.*

**HYDE, ROBERT**, Halifax, Yorkshire, willower, May 29, Halifax. *Off. Ass. Dyson; Sol. Haigh, Huddersfield.*—*Pet. f. May 15.*

**ILLINGWORTH, BENJAMIN**, Bradford, Yorkshire, tailor, May 29, Bradford. *Off. Ass. Robinson; Sol. Haigh, Huddersfield.*—*Adj. May 12.*

**JACKSON, JAMES**, Accrington, Lancashire, stonemason, June 4, Manchester. *Off. Ass. Pott; Sols. Smith & Co., Manchester.*—*Pet. f. May 15.*

**JENKINSON, THOMAS**, Guisbrough, Yorkshire, tailor, June 1, Stokesley. *Off. Ass. Sowerby; Sol. Simpson, Tarm.*—*Pet. f. May 16.*

**JONES, JOHN**, Salford, Lancashire, carter, June 6, Salford. *Off. Ass. Hulton; Sol. Dawson, Manchester.*—*Pet. f. May 12.*

**KIRCHING, THOMAS**, Guisbrough, Yorkshire, joiner, June 1, Stokesley. *Off. Ass. Sowerby; Sol. Simpson, Tarm.*—*Pet. f. May 16.*

**KRAIGSFELD, LEVY**, Cheetham, Lancashire, macintosh maker, June 6, Salford. *Off. Ass. Hulton; Sol. Hewitt, Manchester.*—*Pet. f. May 11.*

**LICKFOLD, GEORGE**, Headley, Southampton, grocer, May 29, Farnham. *Off. Ass. Hollett; Sol. White, Guildford.*—*Pet. f. May 15.*

**MOUNTAIN, FRANCIS**, Bradford, Yorkshire, coal merchant, May 29, Bradford. *Off. Ass. Robinson; Sol. Haigh, Huddersfield.*—*Adj. May 12.*

**PARKER, JOHN**, Oldham, Lancashire, linen-draper, June 18, Oldham. *Off. Ass. Summerscales; Sol. Ascroft, Oldham.*—*Pet. f. May 14.*

**PARRY, HENRY**, Birmingham, agent, June 10, Birmingham. *Off. Ass. Kinneir; Sols. James & Co., Birmingham.*—*Pet. f. May 14.*

**PATNE, JAMES**, Northampton, broker, May 30, Northampton. *Off. Ass. Dennis; Sol. Shoemith, Northampton.*—*Pet. f. May 14.*

**PETTIT, RICHARD**, Liverpool, provision merchant, June 1, Liverpool. *Off. Ass. Morgan; Sols. Evans & Co., Liverpool.*—*Pet. f. May 15.*

**PIDDLERSEN, STEPHEN**, Newchurch, Kent, labourer, May 26, New Romney. *Off. Ass. Stringer; Sol. Minter, Folkestone.*—*Pet. f. May 12.*

**PILKINGTON, JOHN**, Blackburn, Lancashire, joiner, June 11, Manchester. *Off. Ass. Herniman; Sol. Boots, Manchester.*—*Pet. f. May 14.*

**PORTS, EDWARD CHARLTON**, Newcastle-upon-Tyne, commission agent, June 5, Newcastle-upon-Tyne. *Off. Ass. Baker; Sol. Brewis, Newcastle-upon-Tyne.*—*Pet. f. May 14.*

**RANKIN, THOMAS IRVING**, Hulme, Lancashire, beer-seller, June 6, Salford. *Off. Ass. Hulton; Sol. Gardner, Manchester.*—*Pet. f. May 16.*

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**STAIT (and not START, as previously advertised), FRANCIS HENRY**, Cardiff, Glamorganshire, baker, May 27, Cardiff. *Off. Ass. Langley; Sol. Griffith, Cardiff.*—*Pet. f. May 8.*

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TREGALLAS, CHARLOTTE (and *not* TREGATTAS, as previously advertised), Lawrence Pountney-hill, care of chambers, May 25. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 6.

VON GUTTENBERG, OTTO, Bromley, Kent, gentleman, June 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. May 15.

WATTS, PERCIVAL, Fleet-street, musical instrument maker, June 1. Off. Ass. Stansfeld; Sol. Wells, 47, Moorgate-street.—Pet. f. May 19.

WHITE, JOHN, George-row, Dockhead, Bermondsey, baker, June 1. Off. Ass. Stansfeld; Sol. Juckes, 19, Basinghall-street.—Pet. f. May 19.

*To be heard in the Country.*

ARROWSMITH, SAMUEL, Tranmere, Cheshire, out of business, June 10, Poulton. Off. Ass. Patteson; Sol. Bretherton, Liverpool.—Pet. f. May 16.

AUCKLAND, THOMAS, Knottingley, Yorkshire, potter, June 5, Pontefract. Off. Ass. Coleman; Sol. Jefferson, Pontefract.—Pet. f. May 19.

BLACK, JOHN, Lincoln, fruiterer, June 3, Lincoln. Off. Ass. Uppleby; Sols. Brown & Co., Lincoln.—Pet. f. May 18.

BLANEY, JOHN, Hulme, Manchester, plasterer, June 6, Salford. Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. May 18.

BRIGHT, PETER, Newport, Monmouthshire, milliner, June 2, Newport. Off. Ass. Roberts; Sol. Davis, Newport.—Pet. f. May 15.

BOLINGBROKE, JAMES, Kingston-upon-Hull, last maker, May 27, Hull. Off. Ass. Phillips; Sol. Summers, Hull.—Pet. f. May 13.

BROOKS, THOMAS, Birthwaite, Westmoreland, tailor, June 10, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Wilson, Kendal; Hodge & Co., Newcastle-upon-Tyne.—Pet. f. May 18.

BURN, WILLIAM, Wolsingham, Durham, licensed victualler, June 6, Wolsingham. Off. Ass. Bates; Sol. Hutchinson, Stanhope.—Pet. f. May 19.

BUTTERWORTH, HENRY, Rochdale, Lancashire, watchmaker, June 5, Manchester. Off. Ass. Fraser; Sol. Boots, Manchester.—Pet. f. May 18.

CHAPMAN, JAMES, Cambridge, engineer, May 30, Cambridge. Off. Ass. Eadon; Sol. Hunt, Cambridge.—Pet. f. May 16.

COOK, MOSES, Chesterfield, Derbyshire, joiner, June 15, Chesterfield. Off. Ass. Wake; Sol. Binney, Sheffield.—Pet. f. May 12.

CUSHING, STEPHEN, Attleborough, Norfolk, farmer, June 4, Attleborough. Off. Ass. Franchlin; Sol. Emerson, Norwich.—Pet. f. May 20.

DAWEY, PETER, St. Helen's, Lancashire, licensed victualler, June 2, St. Helen's. Off. Ass. Ansell; Sol. Marsh, St. Helen's.—Pet. f. May 16.

DELF, DANIEL WILSON, Norwich, railway labourer, June 1, Norwich. Off. Ass. Palmer; Sol. Sudd, Norwich.—Pet. f. May 18.

DOUGLAS, JOHN BLACKLOCK, Bishopwearmouth, Durham, grocer, June 2, Bishopwearmouth. Off. Ass. Marshall; Sol. Robinson, Sunderland.—Pet. f. April 24.

GARDNER, CHARLES EDWARD, Paignton, Devonshire, saddler, June 6, Totnes. Off. Ass. Bryett; Sol. Michelmores, Totnes.—Pet. f. May 18.

GREGG, JOHN, Norwich, travelling draper, June 4, Norwich. Off. Ass. Palmer; Sol. Sudd, Norwich.—Pet. f. May 7.

GROVES, MATTHEW, Middlesbrough, Yorkshire, innkeeper, June 8, Leeds. Off. Ass. Carrick; Sol. Simpson, Leeds.—Adj. May 13.

HAILSTONE, JOHN, Liverpool, barman to a beer-house keeper, June 2, Liverpool. Off. Ass. Hime; Sol. Thornley, Liverpool.—Pet. f. May 16.

HAFWORTH, GEORGE NICHOLSON, Sheffield, silver plater, June 5, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Adj. March 17.

HILL, THOMAS, Swansea, Glamorganshire, fishmonger, June 4, Swansea. Off. Ass. Morris.—Adj. May 15.

HODGES, CHARLES, East Dean, Gloucestershire, labourer, June 5, Newnham. Off. Ass. Mason; Sol. Whitley, Mitcheldean.—Pet. f. April 29.

HUDSON, THOMAS, Wakefield, Yorkshire, ironmonger, June 4, Leeds. Off. Ass. Young; Sols. Brown, Wakefield; Bond & Co., Leeds.—Pet. f. May 20.

HURST, JOHN, Eckington, Derbyshire, grocer, June 15, Chesterfield. Off. Ass. Wake; Sol. Busby, Chesterfield.—Pet. f. May 16.

JENKINS, JOHN, Panteague, Monmouthshire, contractor, June 1, Pontypool. Off. Ass. Edwards; Sol. Edwards, Pontypool.—Pet. f. May 9.

KEW, JOHN, Goring, Oxfordshire, castrator, June 5, Wallingford. Off. Ass. Atkinson; Sol. Smith, Reading.—Pet. f. May 15.

LANE, THOMAS, Tamworth, Warwickshire, out of business, June 10, Birmingham. Off. Ass. Kinnear; Sols. James & Co., Birmingham.—Pet. f. May 19.

LEWIS, SARAH, Attow, Warwickshire, toll collector, June 2, Alcester. Off. Ass. Jones; Sol. Kirby, Banbury.—Pet. f. May 12.

LOUDON, HUGH, Sunderland, Durham, linen draper, June 2, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Brignal, Durham.—Pet. f. May 2.

MADDER, EDWARD, East Leake, Nottinghamshire, victualler, June 8, Loughborough. Off. Ass. Brock; Sol. Giles, Loughborough.—Pet. f. May 20.

MOGS, WALTER, Stalbridge, Dorsetshire, coachbuilder, June 2, Shaftesbury. Off. Ass. Hannen; Sol. Atkinson, Blandford Forum.—Pet. f. May 19.

NEWMOMBE, HIRAN, Exeter, boot maker, June 2, Exeter. Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. May 16.

NEWBY, JOHN, Birkenhead, Cheshire, earthenware dealer, June 4, Birkenhead. Off. Ass. Gill; Sol. Henry, Liverpool.—Pet. f. May 20.

NICHOLSON, ROBERT, Great Driffield, Yorkshire, bootmaker, June 2, Great Driffield. Off. Ass. Conyers; Sol. Allap, Great Driffield.—Pet. f. May 19.

NICKS, ROBERT, Woodbury, Devonshire, pig dealer, June 2, Exeter. Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. May 14.

NORRIS, JOHN, Over Darwen, Lancashire, ironmonger, June 8, Blackburn. Off. Ass. Bolton; Sol. Swan, Manchester.—Pet. f. May 18.

[For continuation of Gazette, see p. 199, col. 2.]

## CONTENTS.

London Gazettes.....	194
Leading Article .....	195
Review .....	197
New Trials moved in Trinity Term .....	199

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By R. BULLOCK, Barrister at Law.

The Malvina.—( <i>Admiralty Court—Jurisdiction—Ship—Meaning of the term</i> ) .....	527
---	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Hill v. King.—( <i>Partnership—Interest on capital—Practices—Taking accounts in chambers—Accountant</i> ) .....	527
O'Brien v. Lewis and Another.—( <i>Solicitor and client—Gift by client invalid</i> ) .....	528

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Jacomb v. Knight.—( <i>Easements—Injunction—Extent of interest—Landlord and tenant</i> ) .....	529
Ellice v. Roupell.—( <i>Pleading—Bill to perpetuate testimony</i> ) .....	530
Ellice v. Roupell (2).—( <i>Practice—Bill to perpetuate testimony—Motion to stay proceedings</i> ) .....	533

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Charlton and Another v. Coombes and Others.—( <i>Solicitor and client—Death of client—Privileged communications—Alleged fraud</i> ) .....	534
---	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Reg. v. The Inhabitants of Newchurch.—( <i>Birth settlement—Pauper lunatic—Irish pauper—16 &amp; 17 Vict. c. 97, ss. 97, 98—8 &amp; 9 Vict. c. 117, s. 2</i> ) ..	536
Edwards and Another, Assignees of Peagam, a Bankrupt, v. Scarsbrook.—( <i>Act of bankruptcy, notice of—Seizure of goods under fi. fa., when protected—12 &amp; 13 Vict. c. 100, s. 133</i> ) .....	537
Young and Others v. Macrae.—( <i>Libel—Comparison of goods sold by the plaintiff and the defendant</i> ) ..	538

COURT OF QUEEN'S BENCH.—( <i>Continued</i> ). Cornwell, App., Sanders, Resp.—( <i>Game, trespass in pursuit of—Waste of manor, occupation of—Dispute of title—Bona fides—Evidence—Jurisdiction of justices—1 &amp; 2 Will. 4, c. 32, ss. 10, 30</i> ) .....	540
--	-----

By H. HOLROYD, Barrister at Law.

The Garnett and Moseley Gold Mining Company of America (Limited) v. Sutton.—( <i>Joint-stock Companies Acts, 1856, 1857, and 1858 (19 &amp; 20 Vict. c. 47; 20 &amp; 21 Vict. c. 14; and 21 &amp; 22 Vict. c. 60)—Winding up—Contributory—Calls, action for, by liquidators—Set-off, plea of, by shareholder</i> ) .....	542
--	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Newton v. Cubitt.—( <i>Ferry—Disturbance of franchise—Extent of the area of a ferry—Evasion</i> ) ..	544
--	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Woodley and Another v. Coventry and Others.—( <i>Estoppel—Wharfinger</i> ) .....	548
Painter v. Abel.—( <i>Money lent—Authority to agent—Forgery</i> ) .....	549
The General Furnishing and Upholstery Company v. Venn.—( <i>Bills of Sale Act—Assignment for benefit of creditors</i> ) .....	550

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNST BROWNING, Barrister at Law.

Cartledge v. Cartledge.—( <i>Different issues—New trial</i> ) ..	552
--	-----

## COURT OF PROBATE.

By DR. MIDDLETON.

In the Goods of Maria Burgess, Deceased.—( <i>Administration—Guardian of minor children—Child not cited—Practice</i> ) .....	553
--	-----

## COURT OF ARCHES.

By DR. MIDDLETON.

Molyneux v. Bagshaw.—( <i>Chaplain of union workhouse—Reading prayers without leave of the incumbent of the parish—4 &amp; 5 Will. 4, c. 76</i> ) ....	553
--	-----

## THE JURIST.

LONDON, MAY 30, 1863.

THE reporting question continues to occupy the attention of the Profession. In former numbers (ante, pp. 159 and 167), we endeavoured to shew the root of the evil, and point out some of the delusions prevalent on the subject. We now proceed to give a sketch of the present system of reporting.

Reporters are divided into two classes, *regular* and *irregular*. The former are the recognised reporters of a tribunal: and in each of the Courts at Westminster an unbroken, or nearly unbroken, series of such reporters has existed since the beginning of the Term Reports in 1785. Occasionally contemporary series have existed in the same Court, but this practice has now entirely disappeared. The reporters of whom we are speaking stand in a very different position from all other reporters. Their reports are the authorised histories, and, indeed, almost the records, of what has been done by their respective tribunals; and as the authority of decisions is not destroyed by their antiquity, those histories, or quasi records, are destined to a long term of existence, and may, for aught we know, endure "to the last syllable of recorded time."

It is, therefore, the bounden duty of this class of reporters to strive after the highest perfection in their vocation;—by ascertaining with the utmost care the precise facts of each case they report, by carefully verifying all the books cited in it, by omitting no argument used by the Bar, or dictum enunciated by the Bench, and giving to the world the language of the judges with that accuracy and precision which is due to those whose words are authority, and the misrepresentation of which is so injurious. And although needless delay in the publication of reports is at all times to be deprecated, still, among this class of reporters, dispatch is a secondary consideration. The other class to which we shall presently advert, stand in a very different position, and enjoy peculiar advantages in this respect; and no regular reporter, who values his own reputation, either present or posthumous, or, what is of far greater importance, the reputation, present and posthumous, of the judges of the court to which he belongs, will commit himself to any contest for priority of publication;—a race in which he is of necessity over-weighted, and must inevitably lose.

The reporters denominated "irregular" have sprung into existence in modern times, and are now very numerous. They are as follows:—The Law Journal, commenced in 1822; the Jurist, in 1837; the Law

Times, 1843; the Weekly Reporter, 1852; and the New Reports, 1862. Besides these there are others devoted to matters of a special nature; such as the Justice of the Peace, established many years ago for the purpose of reporting cases interesting to the magistracy, &c.

This class of reports has arisen from the necessity of supplying the Profession with short and cheap accounts of important cases for immediate use, without waiting for the regular reports, which, partly from the necessity of the thing, and partly through the fault of the reporters, have occasionally fallen much into arrear, as well as become incident to the evils attendant on all monopolies, deterioration and oppression. But from the very nature of these irregular reports, they are necessarily drawn up with less care, and without the same sense of responsibility. And they differ considerably among themselves, not only in point of merit, but in the system they pursue. Some are a kind of registry of every case that comes before the tribunal; others confine themselves to noticing such as involve some point of law; while others, again, proceed on the principle of reporting those cases only which are really of consequence to the Profession, and by giving their undivided attention to them, rendering their reports full and trustworthy.

But whatever the form of our reports, the Profession at the present moment declare themselves dissatisfied with them all, denounce the evils in the reporting system, and call loudly for some plan for reducing the number of contemporaneous reports, and establishing a series, which shall be executed in first-class style, containing neither too many cases, nor too few; the cases reported at exactly the proper length, neither too long nor too short, the whole to appear *weekly*, or at some other short period, and the work to be purchased at some price so low that it may almost, and certainly when taken into consideration with what is expected from the reports, be designated an old song.

It is easy to talk of all this, but experience of the past does not promise well for its performance. Several of the reports now existing were started on the promise to supply such a series; and, indeed, some which appear at the end of each week, undertake to bring down the reports to the preceding Wednesday. Promises of this kind are, however, never fulfilled; and for the invincible reason, that the thing promised is an impossibility, as every person acquainted with the subject is perfectly aware, and as we now proceed to shew.

It is a common, though vulgar and groundless, error to suppose that the labour of a reporter consists, wholly, or even perhaps principally, in making notes in court. Having made his notes, ever so perfectly, much still remains to be done. First, he has to determine whether the case is worth reporting. It may be underserving of a report for many reasons:—1. The Court may have disposed of it on the facts, without giving an opinion on any point of law. 2. If otherwise, still the decision may be avowedly based on the authority of some cited case, expressly in point, and the soundness of which has never been questioned. The duty of discriminating in this respect is sadly neglected by most of our reporters at the present day, and some who are paid by length openly avow that neglect. 3. The case may, indeed, be a decision on a point of law, but so obvious, that to report it would be trifling with the understandings of his readers.

Suppose, however, in the second place, that the reporter determines that the case ought to be reported, and proceeds to draw it up accordingly. Here, he must, first of all, read his notes carefully through

(and a single reading is rarely sufficient), then write down in a succinct and readable form, the substance of a case, that perhaps occupied for hours; and then append to the whole a head note or side note, in which the exact points decided are extracted from a rudis indigestaque moles of facts, contradictory assertions of counsel, argument, and decision. For this purpose he must verify (and, indeed, sometimes find out, as judges and counsel not unfrequently give them by allusion only) the various authorities and statutes relied on, and exercise a discretion, often a difficult one, of determining whether they shall merely be referred to by name, or the points decided in them set out, or perhaps even the extracts from them that may have been read by the Bar or the Bench. Now, as no member of the Bar has in his chambers *all* the books that may be cited in the course of a legal argument, the reporter naturally seeks in the library of his Inn of Court those in which he is deficient. Few have access to more than one or two of these libraries, all of which close at four or five P. M. Besides, not one of them is complete, especially as regards foreign authorities, and there are some works not to be found in any of them; in which event the reporter resorts to the British Museum, or some similar place, or to the kindness of friends, at a sacrifice of time, and perhaps without success.

Few cases of any importance can be reported without access to the papers in the cause, and here the reporter is often exposed to delay and disappointment. The officers of the Court frequently require them for official purposes; the attorneys in the cause frequently require them for the purpose of the taxation of costs; sometimes the reporter finds that they have been returned to the agent in the country; and sometimes his application for them meets with an evasive, dilatory, or discourteous answer. In justice to the second branch of the Profession, it must be acknowledged that instances of the latter are rare, and that their conduct in lending papers is for the most part in the highest degree obliging and commendable; at the same time, it is not unimportant to observe that they have become more chary in this respect of late, in consequence, no doubt, of the great increase in the number of reporters.

Nor is this all. It is well known that in important cases, with few exceptions, and in almost all in which the Court takes time to consider, the judgments are committed to writing, and delivered to the regular reporters. Formerly the use of those documents was restricted to them, but this monopoly has been justly abolished. Still the regular reporters are responsible for those judgments to the Bench, and therefore very properly never allow any out of their possession until a copy has been made—a matter which must necessarily require time. Besides, as there are so many sets of reports, it may happen that a judgment is required in several places at the same moment, and it, therefore, becomes necessary to determine which reporter is entitled to precedence, either on the ground of standing or prior application.

Lastly, we recommend every member of the Bar, who is anxious to understand the reporting question, to inquire into the way in which reporters are remunerated. Perhaps he may not be able to ascertain this directly, or even accurately; but, in any event, we invite him calmly to consider, whether what is demanded by the Profession can be procured at the existing scale of remuneration. "The labourer is worthy of his hire," applies to reporters as well as to others. Many persons will doubtless be found who, through ignorance of the nature of the task, or from interested motives, will *promise* to supply such reports such as it is the fashion to expect; but if we have, in



the preceding sentences, correctly described the duties and difficulties of genuine reporting, the thing is impracticable, and, were it otherwise, would be in the highest degree illiberal and ungenerous to exact.

"Duo sunt lumina mundi," said our ancestors, "ratio and autoritas;" but the great object of the present day seems to be to extinguish the first, and involve the second in mist and darkness. Half-a-score of cases solemnly argued, deliberately decided, and faithfully reported, would settle the law on almost any subject, at least sufficiently to enable a counsel, with anything exceeding a mere elementary knowledge of his Profession, to understand and advise upon it. But how stands the practice? The same point is reported over and over again, in the most perfect disregard of all previous reports, and often in a slovenly and careless way—so as to create doubts on matters clear in themselves. We proceed to give one strong instance of this, and will then conclude our observations, too long perhaps already. The celebrated Statute of Frauds and Perjuries, 29 Car. 2, c. 3, was passed in 1676, and, it might fairly be supposed, had been fully construed in the eighty years that elapsed from that time to 1756, when Harrison's Index begins. It is not easy to say how many cases involving the construction of the statute are to be found in that book, seeing that they are scattered over different parts of it; but, beyond all question, they are to be counted by hundreds, if not thousands; yet, in the twenty years that have elapsed since the conclusion of that work, cases have continued to be reported on the subject, as if the statute had only passed yesterday. Surely all this calls for remedy.

### Review.

*Woodfall's Law of Landlord and Tenant; with a Full Collection of Precedents, and Forms of Procedure. The Eighth Edition, by W. R. COLE, Esq., of the Middle Temple, Barrister-at-Law.*

[H. Sweet; W. Maxwell; and V. & R. Stevens, Sons, & Haynes.]

MORE than sixty years ago a barrister of the name of Woodfall published a treatise on the law of landlord and tenant; a treatise which, although small when compared with modern works (swollen as they are with accumulated decisions, and voluminous and irritatingly perplexing acts of Parliament) was so good, and so thoroughly up to the requirements of the day, that within twenty years he issued six editions of his book to the public. A seventh edition was then written by Mr. Pratt; and about the same time, or soon afterwards, the same task was undertaken by Mr. Harrison, who, while he retained the name of Woodfall, and professedly based his work on the older book, made a complete alteration both in form and material. Again: so great was the success of the work in its new form, that in a short space of time Mr. Harrison issued three editions, which he renumbered from his own first effort. Mr. Wollaston then took up the work, and in addition to the name of Woodfall, retained Mr. Harrison's name and numbering, and adhered to his new arrangement of the subject, feeling (as he stated in his Preface) bound to take that course, in consequence of the approbation exhibited by the rapid sale of the previous editions. He also issued three editions, Mr. Horn issued another in the same spirit, and now that labour has been undertaken by Mr. Cole (already known to the Profession as an author, by his work on Ejectment), who has, however, altogether dropped the name of Harrison. And thus we have now before us a work, which, al-

though called the eighth edition of Woodfall, is, in fact, the eighth of Woodfall by Harrison, and fifteenth of Woodfall. And notwithstanding the proverbial vanity of authors, we can imagine that Mr. Woodfall, if he had the opportunity, would be somewhat surprised at the retention of his name, at this period of time, in connexion with a book so utterly different to his own treatise in bulk, matter, and arrangement. Indeed, as a matter of vanity, we are not quite sure whether, in spite of the compliment, Mr. Woodfall might not feel himself, to a certain extent, injured; for whilst he could not fail to be astonished at the enormous pile of information which has gradually been accumulated in the modern works, he would, we fancy, be somewhat dissatisfied with their style and arrangement, and with good reason consider his own greatly superior. For ourselves, we certainly think the old arrangement better than the new; and if any of our readers will take the trouble to compare the table of contents of Mr. Woodfall's own work (or that of Mr. Coote's independent treatise, which is somewhat similar) with that of the present edition, we doubt not that they will agree with us, that however great the improvement that has been attained in the bulk and variety of the information, the arrangement has deteriorated, and become less scientific and perspicuous. With this matter Mr. Cole has not mingled himself; he has taken the book exactly as it has been handed down to him from previous editors, and, without altering its form, incorporated under the appropriate headings the new law, and such additional information as seemed to him to be required. This being so, our task of reviewing is much simplified; we have neither to state the method of arrangement of a book so long and so well known, nor to discuss its practical utility and its value, so long recognised; but we have only to deal with the question of how Mr. Cole has discharged his duty of bringing this standard work down to the present state of the law.

One fault which we have to find with Mr. Cole's work, is the method he has adopted in many instances, where the old law has been altered by late statutes. Instead of beginning with the old law (either in its integrity, or as far as it now holds good), and then citing the recent statute, he baldly prefixes the modern enactments to the old materials of the former editions, altered by such emendations and additions as seem requisite to him, as will be seen by reference to chap. 1, ss. 4, 5, and 17; chap. 6, s. 7; and chap. 14, s. 3 (b). This is writing a text-book in the form of an annotated edition of the statutes, and is a style of composition which we cannot but deprecate in any legal treatise.

Sometimes also, the arrangement of the materials is unsatisfactory. Thus, at chap. 1, s. 17, we have, under the title of "Leases by trustees of settled estates," law relating by no means especially to such persons, and law relating exclusively to another branch of this chapter, viz. the granting of leases by persons acting under powers. Again: we have the 19 & 20 Vict. c. 120, s. 34, cited only at p. 43, under the title of "Leases by husband and wife," although it applies to several previous sections of the chapter. The contents of chap. 6, s. 10, seem entirely out of place. A good deal of the law which is to be found under the head of "Forfeiture," p. 270, would be more appropriately placed under the title "Disclaimer," p. 310. The law as to eviction is not kept properly together. In book 2, at pp. 474, 484, and 513, we have sections on the remedies for breach of contract, waste, and injuries respecting fixtures, which, according to the scheme of the book, should be, in book 3. And we find the law, as to injunction at law, under the heading of "Proceedings in equity."



Some portions of the subject are also, to our mind, not sufficiently and properly discussed. Thus, at p. 44, it is laid down, that if a husband lease his wife's land by deed, the term is not void on his death, but only voidable; without any reference to 2 Wms. Saund. 180 a, where the subject is elaborately discussed, and shewn not to be quite clear. Under the heading of "Leases to assignees of bankrupts," it is merely laid down, that the assignees cannot become lessees of the bankrupt's estate, without any reference to the law as to their acceptance of the bankrupt's leaseholds, which, though properly discussed in another place, should, at least, be referred to. The law, as to what Mr. Cole calls the exceptions to the general rule, that parol evidence is not admissible to vary deeds, as to when a servant becomes a tenant or not, and as to covenants running with the land and the reversion, is not discussed in the manner we should wish. It is stated at p. 177, that a sub-demise, or assignment by a tenant at will, without notice to his landlord, does not determine the will, which, though in one sense correct, is obviously liable to be misconstrued when stated in this way; as is also the proposition (p. 228), "that an administrator cannot bind the testator's estate by any assent to the application or disposal thereof before letters of administration, which do not relate back." Again: the effects of an execution are not properly discussed; among other defects, the question of equitable terms (so fully discussed in 2 Wms. Saund. 11 a, and the case of *Gore v. Bowser*, 24 L. J., Ch., 316, 440) being omitted, and the 23 & 24 Vict. c. 38, cited, without any reference to the rest of the law. The law as to the merger of estates in a man's own right and in autre droit is badly treated. As this subject is in a state of confusion, the best method of dealing with it would have been to take the law from the judgment in *Jones v. Davies*, where the matter is fully discussed; and, at all events, Sir E. Coke's dictum should not be inserted, when Lord St. Leonards, in his work on Vendors and Purchasers, and Bramwell, B., in *Jones v. Davies*, have shewn that it is not law. The section as to assessed taxes contains nothing to speak of, and the 23 & 24 Vict. c. 107, is cited, whilst that act only applies to Ireland; indeed, the whole chapter as to "rates, taxes, and assessments," is not what it should be. In the discussion of contracts for quiet enjoyment, it is not explained what is a breach of an implied covenant in that behalf, though breaches of express covenants are discussed at some length. And when stating that a smoky or noisy nuisance cannot be actionable to the reversioner, it would have been well to say that this is so, even if the tenants give less rent or notice to quit, or the property would sell for less in consequence of the nuisance.

In a few instances we have observed what we believe to be bad law. At p. 90, Mr. Cole lays down that, though generally speaking, a right of way cannot pass under the word "appurtenances," yet a way of necessity may so pass. This is erroneous; where the way is one of necessity, no words are necessary, and where it is not such, and the question arises as to whether the word "appurtenances" is sufficient to pass it, that word is to be construed by the contents of the deed. If the context shews that it was meant to pass, it will pass; if there is nothing to shew this, it will not. At p. 176, it is said, that if a tenant for years holds over, he is tenant at will till payment and acceptance of rent. This is not so; he is tenant on sufferance. Com. Dig., tit. "Estate." I. 1, cited by Mr. Cole as an authority, is directly against him; *Clayton v. Blakey*, also cited, is not in point, the question there being, whether a man holding under a void agreement was tenant at will or for years; and the

very definition of a tenant on sufferance, which will be found at p. 179, shews this, "a tenant on sufferance is one who enters by lawful demise or title, and afterwards wrongfully continues in possession without the assent or dissent of the person next entitled." Mr. Cole has either confused the case with that of a tenant, who, having no previous title or rightful occupation, is allowed to enter under a void lease or mere agreement, or he has forgotten the necessity of an assent by the landlord. We also think the proposition that, where the husband of a tenant in fee lets in his own name, the lessee is estopped from denying his title on the death of the wife, is erroneous. It is true that this doctrine is countenanced by what is reported to have been said by some learned judges in *Hove v. Scarrott*; but it is so opposed to the fundamental doctrine, that there is no estoppel where an interest passes, that we cannot accept it as sound. And at p. 736, it is said that the remedy for waste by action on the case, is confined to acts of voluntary waste, and does not extend to permissive waste, which is not only wrong, but is shewn to be so by the very book itself, at p. 484.

We find omissions of statutes in several places, viz. at p. 16, of the 25 & 26 Vict. c. 49, the last act as to the Duchy of Cornwall; at p. 67, of the 24 & 25 Vict. c. 125, enabling overseers to provide offices; and the 10 & 11 Vict. c. 34, s. 136, the cognate act to the 9 & 10 Vict. c. 74; at p. 74, of the 13 & 14 Vict. c. 23, repealing the 27 Hen. 6, c. 5, as to the four Sundays in harvest; at p. 78, and indeed, altogether, of the 7 & 8 Vict. c. 76, which for some months put the law as to leases on a different footing to what it was either before or after; at p. 130, of the Common-law Procedure Act (1854), s. 28; at p. 158, of the 12 & 13 Vict. c. 110, suspending the operation of the 12 & 13 Vict. c. 26; and at pp. 465 and 519, of the 6 Anne, c. 31, and the 10 Anne, c. 14, as to liability for fire. And we also find the following recent cases reported previous to 1862, omitted, though bearing on the subject:—*Cox v. Bishop* (3 Jur., N. S., 499; 26 L. J., Ch., 389); *In re Walkworth* (26 L. J., Bank., 61); *Bromley v. Chesterton* (27 L. J., C. P., 23); *Price v. Worwood* (5 Jur., N. S., 472; 28 L. J., Ex., 329); *Reg. v. Thornton* (6 Jur., N. S., 799; 29 L. J., M. C., 162); and *Cadle v. Moody* (7 Jur., N. S., 1249; 30 L. J., Ex., 385). *Udell v. Harrison*, *Baddely v. Vigurs*, and *Giddins v. Dodd* should have been cited at pp. 59, 278, and 287 respectively; and *Henderson v. Mears* is only referred to as reported in *Foster & Finlason*.

With respect to the cases reported during the year 1862, it would be too much to expect them all to be cited in a book of this bulk (and therefore so long in the press), even though not published till March, 1863; but as some of them are in the text itself, and there is an addenda and corrigenda containing others, we ought to have them all in one or the other. We do not find this to be the case, and we, therefore, for the convenience of such of our readers as may buy the book, refer them to the following cases reported in the *Jurist and Law Journal* for 1862, but not mentioned by Mr. Cole:—*Jones v. Nixon* (8 Jur., N. S., 648; 31 L. J., Ex., 505); *Hall v. The City of London Brewery Company* (9 Jur., N. S., 18; 31 L. J., Q. B., 267); *Pellatt v. Boosey* (8 Jur., N. S., 1107; 31 L. J., C. P., 281); *Phen v. Popplewell* (8 Jur., N. S., 1104; 31 L. J., C. P., 235); *Venning v. Bray* (8 Jur., N. S., 1039; 31 L. J., Q. B., 181); *Turner v. Barnes* (9 Jur., N. S., 199; 31 L. J., Q. B., 170); *Holland v. Cole* (8 Jur., N. S., 1066; 31 L. J., Ex., 481); *Gurton v. Gregory* (31 L. J., Q. B., 302); and *Jones v. Davies* (8 Jur., N. S., 592; 31 L. J., Ex. Ch., 116).

Subject to these strictures, which, when examined, will not be found to be very heavy, we approve of this edition. The new law has been very thoroughly

collected as a whole; much additional information from the old law has been incorporated; no pains have been spared, and much of the old materials remodelled. It is true that the arrangement of materials and the discussion of subjects might often be better, but the form and matter of the book, as it has been handed down, must in a great measure bear the blame of this. Nothing but a new arrangement of the book could entirely obviate the one fault, an entire re-writing the other. The considerations, however, which pressed on Mr. Wollaston many years ago pressed with infinitely greater force on Mr. Cole; and we not only do not wonder at his yielding to them, but do not see how he could avoid that course.

In fine, we may say, that in Mr. Cole's edition we have our old well-known work brought down to the present state of the law. To say that, is not merely to say that it should be on the shelves of every lawyer who has anything to do with the law of landlord and tenant, but (looking to the reception of former editions) to say that, as a fact, this will be so.

## NEW TRIALS MOVED IN TRINITY TERM.

### COURT OF COMMON PLEAS.

Midd.—Tark v. Barber | Lond.—Johnson v. Steer

#### SPECIAL PAPER.

<i>Monday June 1.</i>	<i>Friday, June 5.</i>
Rosewarne v. Billing (D.)	Montefiore v. Lloyd (Sp. C.
Barber & ora. v. Nottingham	by order)
and Grantham Railway and	
Canal Co. (D.)	

### COURT OF EXCHEQUER.

#### SPECIAL PAPER.

Peck v. Waterloo & Seaford	Baker v. Guardians of the
Local Board of Health (Ap.)	Poor of Billericay Union
Young v. Roebuck (Sp. C.)	(Sp. C. by order of Nisi P.)
Wilcocks v. Baring (D.)	Same v. Same (Sp. C. by order
Rogers v. Hadley (Sp. C.)	of Nisi Prius)
Sibthorp v. Warren (D.)	Burbidge v. Child (D.)
Same v. Same (D.)	

### SITTINGS IN ERROR.

#### QUEEN'S BENCH.

Saturday..... June 13 | Monday ..... June 15  
Tuesday ..... June 16

#### EXCHEQUER.

Wednesday ..... June 17 | Thursday ..... June 18

#### COMMON PLEAS.

Friday ..... June 19 | Saturday ..... June 20

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this society was held at its rooms, 3, Waterloo-place, Pall-mall, on Monday, May 18, Lord Brougham in the chair; when a paper was read by Mr. Thomas Webster, "On the Amendment of Proceedings on the Trial of Issues of Fact at Law and in Equity in Cases requiring the Evidence of Experts." A discussion ensued, in which the Chairman, Mr. Hume Williams, Mr. R. Stuart, Dr. Hancock, and Mr. Newton took part.

We have to record the decease of Harry Edgell, Esq., benchet of Gray's-inn, at the advanced age of 96. He was we believe the oldest gentleman at the bar, although some members of it, who are still living, entered the Profession sooner.

**COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen to be London Commissioners to ad-

minister oaths in the High Court of Chancery:—Robert Piggott Oldershaw, of No. 74, Warwick-square, Pimlico; Sampson Samuel, of No. 31, New Broad-street, Bishopsgate, City; and Joseph Hall, of New Park-road, Stockwell, and No. 21, Coleman-street, City.

OWEN, ROBERT, Pendleton, Lancashire, manufacturer, June 15, Manchester. Off. Ass. Poter; Sol. Gardner, Manchester.—Adj. May 12.  
PRYTON, LUMLEY WOOTTEAR, Pensance, Cornwall, lieutenant in her Majesty's navy, June 5, Exeter. Off. Ass. Hirtzel; Sol. Hirtzel, Exeter.—Pet. f. May 20.  
REANEY, MARTIN, Dronfield, Derbyshire, blacksmith, June 15, Chesterfield. Off. Ass. Wake; Sol. Binney, Sheffield.—Pet. f. May 14.  
ROLLS, JOHN JAMES, Chisell Portland, Dorsetshire, June 3, Weymouth. Off. Ass. Anderwa.—Pet. f. May 18.  
SCLATER, EDWARD WILLIAM JONES, Canterbury, carver, June 1, Canterbury. Off. Ass. Callaway.—Adj. May 14.  
SHADE, THOMAS, Ambly, Northumberland, innkeeper, June 2, Alnwick. Off. Ass. Wilson; Sol. Wilkinson, Alnwick.—Pet. f. May 18.  
TATUM, CHARLES, Wolverhampton, Staffordshire, glider, June 11, Wolverhampton. Off. Ass. Brown; Sol. Walker, Wolverhampton.  
TAYTON, JOHN, Coventry, Warwickshire, farmer, June 9, Coventry. Off. Ass. Kirby; Sol. Smallbone, Coventry.—Pet. f. May 18.  
TOMKINS, EDWARD, Digby, Worcestershire, coal dealer, June 10, Birmingham. Off. Ass. Kinnear; Sol. Francis, Birmingham.—Pet. f. May 20.  
TRANTER, JAMES, Sheffield, edge-tool forger, June 10, Sheffield. Off. Ass. Wake; Sol. Binney, Sheffield.—Pet. f. May 19.  
TUNSTILL, ROBERT, Burnley, Lancashire, out of business, June 11, Burnley. Off. Ass. Hartley; Sols. Backhouse & Co., Burnley.—Pet. f. May 18.  
WALTON, JOHN THOMAS, Crook, Durham, shoemaker, June 5, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Turnbull & Co., Hartlepool.—Pet. f. May 11.  
WATSON, HENRY, Sutton-cum-Lound, Nottinghamshire, grocer, June 6, East Retford. Off. Ass. Newton; Sols. Brown & Co., Lincoln.—Pet. f. May 19.  
WINTERBOTTOM, ROBERT, Hapton, near Burnley, Lancashire, farmer, June 19, Manchester. Off. Ass. Mearns; Sols. Cobbett & Co., Manchester.—Pet. f. May 19.  
WRIGHT, CHARLES, Mistley, Essex, salt maker, June 2, Harwich. Off. Ass. Chapman; Sol. Jones, Colchester.—Pet. f. May 7.

## TUESDAY, May 26.

### BANKRUPTS.

#### To be heard in London.

ATERS, FRANCIS, Reigate, and Mitcham, road contractor, June 9. Off. Ass. Stanfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. May 16.  
CHAPMAN, ZEPHANIAH, Norwich, scrivener, June 9. Off. Ass. Stanfeld; Sols. Shirrett & Co., 3, Philpot-lane; Pollard, Ipswich.—Pet. f. May 12.  
CHURCH, HENRY WILLIAM, Hackney-road, collector to a brewer, June 11. Off. Ass. Graham; Sols. Morris & Co., Moorgate-street-chambers.—Pet. f. May 23.  
CLARK, ALFRED WILLIAM, Down's-terrace, Clarence-road, Lower Clapton, varnish dealer, June 9. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 19.  
COSTIN, JAMES, High-street, Hoxton Old-town, plumber, June 11. Off. Ass. Graham; Sol. Shapland, 2, Copthall-buildings.—Pet. f. May 19.  
COVERLEY, WILLIAM, Dover, baker, June 9. Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. May 21.  
DOCKRIELL, EDWARD, George-street, Hampstead-road, tailor, June 11. Off. Ass. Graham; Sol. Jukes, 19, Basinghall-street.—Pet. f. May 20.  
DRANE, WILLIAM TUTTLE, Hethersett, near Norwich, surveyor, June 9. Off. Ass. Edwards; Sols. Doyle, 2, Verulam-buildings, Gray's-inn; Sodd, Norwich.—Pet. f. May 23.  
EDMONDS, ISAAC, Guildsbrough, Northamptonshire, gentleman, June 9. Off. Ass. Cannan; Sols. Loftus & Co., 10, New-inn, Strand; Shoosmith, Northampton.—Pet. f. May 23.  
ELGAR, GEORGE LAWRENCE, Park-street, Gloucester-gate, Regent's-park, tobacconist, June 11. Off. Ass. Graham; Sols. Treherne & Co., 17, Gresham-street.—Pet. f. May 22.  
GILDER, CHARLES, Hitchin, Hertfordshire, builder, June 16. Off. Ass. Stanfeld; Sols. Croxley & Co., 34, Lombard-street; Simpson, Luton, Bedford.—Pet. f. May 22.  
GILMAN, JAMES, Berwick-street, Oxford-street, tailor, June 11. Off. Ass. Graham; Sols. Morris & Co., Moorgate-street-chambers.—Pet. f. May 15.  
HEATE, WILLIAM EDWARD, Burton-street, Barton-crook, clerk in the Admiralty, June 11. Off. Ass. Graham; Sol. Smith, 15, Wilmington-square.—Pet. f. May 22.  
HOWES, WILLIAM JAMES, Meadow-row, New Kent-road, wholesale boot manufacturer, June 2. Off. Ass. Edwards; Sol. Bartley, 4, Bartlett's-buildings, Holborn.—Pet. f. May 20.  
HUMPHRIES, JOSEPH, High-street, St. Marylebone, builder, June 16. Off. Ass. Stanfeld; Sol. Markby, Nolle-chambers, Chancery-lane.—Pet. f. May 20.  
ILNICKI, ANTHONY, Paulton's-terrace, King's-road, Chelsea, insurance office clerk, June 16. Off. Ass. Stanfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 21.  
JAMES, JAMES, London-road, West Croydon, commission traveller, June 9. Off. Ass. Cannan; Sols. Lawrence & Co., 12, Bread-street, Chancery-lane.—Pet. f. May 21.  
KEENE, RAYMOND, Basinghall-street, City, and Richmond-villa, Seven Sisters-road, Holloway, accountant, June 9. Off. Ass. Edwards; Sol. Chandler, 35, Clement's-lane.—Pet. f. May 26.

LODGE, JAMES, Taplow, Buckinghamshire, and Drury-lane, Middlesex, carpenter, June 16. Off. Ass. Stanfeld; Sol. Hare, 8, Old Jewry.—Pet. f. May 22.

MILNER, THOMAS WILLIAM, Queen-street, Cheapside, surveyor, June 9. Off. Ass. Edwards; Sol. Drew, 4, New Basinghall-street.—Pet. f. May 20.

MORTON, ARTHUR MOLESWORTH; LUNNON, DAVID; and MORTON, GEORGE EDWARD, Buckingham-street, Strand, coal merchants, June 16. Off. Ass. Stanfeld; Sol. Keene, 77, Lower Thames-street.—Pet. f. May 15.

MOSE, RICHARD, Bartholomew-square, Old-street, St. Luke's, copper-smith, June 9. Off. Ass. Edwards; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. May 18.

NEIL, WILLIAM JOHN, Rickingham, Suffolk, flax manufacturer, June 16. Off. Ass. Stanfeld; Sol. Reed, 3, Gresham-street.—Pet. f. May 20.

NEWSHAM, HUGH, Yaxley, Huntingdonshire, out of business, June 9. Off. Ass. Edwards; Sols. Sole & Co., Aldermanbury.—Pet. f. May 21.

PARKS, JACOB, Riley-street, Chelsea, dealer in milk, June 9. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. May 21.

RHODES, WILLIAM ROBERT, Hampton, painter, June 8. Off. Ass. Graham; Sol. Thistlethwaite, 156, Strand.—Pet. f. May 22.

REVIERE, JULIEN, Princes-street, Leicester-square, bootmaker, June 8. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. May 18.

ROYSTON, HENRY, Old Church-street, Paddington, professed cricket player, June 9. Off. Ass. Edwards; Sol. Herring, Stafford-chambers, 17, Stafford-street, Marylebone-road.—Pet. f. May 21.

THOMAS, FREDERICK SAMSON, Wharton-street, Pentonville, mine lessee, June 8. Off. Ass. Stanfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. May 18.

THOUGHT, GEORGE, Cotton-row, Marlborough-road, Dalston, tailor, June 9. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 19.

WELCH, JAMES, Penton-place, Pentonville, and Church-street, Stoke Newington, builder, June 8. Off. Ass. Graham; Sol. Catchpole, 23, Great Tower-street.—Pet. f. May 22.

WELLS, GEORGE MILLS, Cheapside, agent for the sale of patent boot tips, June 8. Off. Ass. Stanfeld; Sol. Blyth, 10, Saint Swithin's-lane.—Pet. f. May 23.

WILLIAMS, WILLIAM HENRY, Providence-buildings, New Kent-road, wheelwright, June 9. Off. Ass. Cannan; Sol. Bartlett, 4, Bartlett's-buildings, Holborn.—Pet. f. May 22.

YEATES, ROBERT, Hackney-road, cutler, June 9. Off. Ass. Cannan; Sols. Mathews & Co., 102, Leadenhall-street.—Pet. f. May 22.

#### To be heard in the Country.

AUSTEN, CHARLES JOHN, Paul, near Penzance, Cornwall, commander in the royal navy, June 5, Exeter. Off. Ass. Hirtzel; Sols. Roscorla & Co., Penzance; Terrell, Exeter.—Pet. f. May 22.

BATE, WILLIAM, Everton, near Liverpool, June 8, Liverpool. Off. Ass. Turner.—Adj. May 20.

BIRCH, WILLIAM THOMAS, Congleton, Cheshire, victualler, June 6, Congleton. Off. Ass. Latham; Sol. Washington, Congleton.—Pet. f. May 23.

BLACKBURN, RICHARD, Undercliffe, near Bradford, Yorkshire, warehouseman, June 17, Bradford. Off. Ass. Robinson; Sol. Hill, Bradford.—Pet. f. May 22.

BURKINSHAW, GEORGE, Silkstone, Yorkshire, wood collier, June 26, Barnsley. Off. Ass. Shepherd; Sol. Hamer, Barnsley.—Pet. f. May 22.

BURNHAM, JOHN, Speen, Berkshire, cooper, June 9, Newbury. Off. Ass. Vines; Sol. Cave, Newbury.—Pet. f. May 23.

BUSCALL, GEORGE GODDARD, East Dereham, Norfolk, yeoman, June 19, East Dereham. Off. Ass. Cooper; Sol. Drake, East Dereham.—Pet. f. May 21.

CRUTE, JOHN COLEMAN, Birmingham, theatrical manager, June 5, Birmingham. Off. Ass. Kinnear; Sol. Robinson, Birmingham.—Pet. f. May 21.

CLARKE, CHARLES, Birmingham, out of employment, June 15, Birmingham. Off. Ass. Guest.—Pet. f. May 12.

CLARKE, EDWARD, Sandbach, Cheshire, butcher, June 6, Congleton. Off. Ass. Latham; Sol. Washington, Congleton.—Pet. f. May 23.

CONSTABLE, JOSEPH, Bishops Stortford, Hertfordshire, dealer in marine stores, June 11, Bishops Stortford. Off. Ass. Unwin; Sol. Baker, Bishops Stortford.—Pet. f. May 19.

DICKER, WILLIAM, Hastings, Sussex, coachbuilder, June 6, Hastings. Off. Ass. Young; Sol. Savery, St. Leonards-on-the-Sea.—Pet. f. May 21.

DOSBON, CHARLES, Liverpool, licensed victualler, June 8, Liverpool. Off. Ass. Morgan.—Adj. May 20.

EALAND, THOMAS RICHARD, Birmingham, factor's clerk, June 15, Birmingham. Off. Ass. Guest; Sol. Powell, Birmingham.—Pet. f. May 22.

ELLIS, JOHN, Pendleton, Lancashire, joiner, June 15, Manchester. Off. Ass. Herniman; Sols. Chapman & Co., Manchester.—Pet. f. May 13.

EVANS, ISAAC, Llandilo, Carmarthenshire, shoemaker, June 1, Llandilo. Off. Ass. Davies; Sol. Jeffries, Carmarthen.—Pet. f. May 18.

FEATHER, ABRAHAM, Liverpool, builder, June 8, Liverpool. Off. Ass. Morgan.—Adj. May 20.

GOODALL, GEORGE HENRY, Liverpool, furniture broker, June 8, Liverpool. Off. Ass. Turner.—Adj. May 20.

GOODWIN, JAMES, Seasalter, Kent, wheelwright, June 1, Canterbury. Off. Ass. Callaway.—Adj. May 14.

GUEST, WILLIAM, Manchester, cloth agent, June 15, Manchester. Off. Ass. Kay; Sol. Gardner, Manchester.—Pet. f. May 8.

HALL, DANIEL, Oldswinford, Worcestershire, clogmaker, June 22, Stourbridge. Off. Ass. Harwood; Sol. Maltby, Dudley.—Pet. f. May 19.

HOLBROOK, EDWARD, Ainsdale and Southport, Lancashire, beer-house keeper, June 8, Liverpool. Off. Ass. Turner; Sols. Dodge & Co., Liverpool.—Pet. f. May 15.

HOLLAND, JOHN, Leicester, machine fitter, June 6, Leicester. Off. Ass. Ingram; Sol. Chamberlain, Leicester.—Pet. f. May 22.

HOWSON, ARMITAGE, Leeds, horse dealer, June 5, Leeds. Off. Ass. Sangster; Sol. Simpson, Leeds.—Pet. f. May 12.

HUTTON, NATHAN, Rippan, Yorkshire, farmer, June 5, Pontefract. Off. Ass. Coleman; Sol. Haigh, Huddersfield.—Adj. May 12.

KEMP, THOMAS, Caron, Cardigan, innkeeper, June 16, Aberystwith. Off. Ass. Jenkins; Sol. Vaughan, Aberystwith.—Pet. f. May 16.

KENDALL, ROBERT, Doncaster, Yorkshire, out of business, June 16, Doncaster. Off. Ass. Mason; Sol. Woodhead, Doncaster.—Pet. f. May 22.

NICHOLLS, JOHN, Exeter, innkeeper, June 6, Exeter. Off. Ass. Hirtzel; Sol. Laidman, Exeter.—Pet. f. May 18.

PALMER, THOMAS, Manchester, beer retailer, June 15, Manchester. Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. May 22.

PHILP, GEORGE, Cranley, Surrey, labourer, June 6, Godalming. Off. Ass. King; Sol. Geach, Guildford.—Pet. f. May 14.

PRICE, THOMAS, Kingswinford, Staffordshire, carpenter, June 22, Stourbridge. Off. Ass. Harward; Sol. Maltby, Dudley.—Pet. f. May 22.

ROBINSON, JAMES, Bradford, Yorkshire, cab driver, June 17, Bradford. Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. May 22.

SEVER, WILLIAM, Bury, Lancashire, cab proprietor, June 11, Bury. Off. Ass. Grundy; Sol. Crossland, Bury.—Pet. f. May 23.

SIMMONS, JOHN WESLEY, Derby, portrait publisher, June 24, Derby. Off. Ass. Weller; Sol. Leech, Derby.—Pet. f. May 12.

SMITH, JAMES, Liverpool, builder, June 9, Liverpool. Off. Ass. Morgan; Sols. Harvey & Co., Liverpool.—Pet. f. May 18.

SMITH, JOHN, Liverpool, builder, June 9, Liverpool. Off. Ass. Morgan; Sol. Tyler, Liverpool.—Pet. f. May 23.

SMITH, STEPHEN, Birmingham, grocer, June 10, Birmingham. Off. Ass. Whitmore; Sol. Powell, Birmingham.—Pet. f. May 21.

SUTTON, ELIZABETH, Hartington, Derbyshire, grocer's assistant, June 25, Derby. Off. Ass. Weller; Sol. Leech, Derby.—Pet. f. Feb. 13.

THOMAS, HENRY, Aston-juxta-Birmingham, edge-tool maker, June 15, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. May 22.

WALPOLE, ROBERT, Little Bowden, Northamptonshire, and Market Harborough, Leicestershire, stonemason, June 19, Birmingham. Off. Ass. Kinnear; Sols. Rawlin, Market Harborough; James & Co., Birmingham.—Pet. f. May 23.

WESTAWAY, JANE, Ashburton, Devonshire, grocer, June 6, Exeter. Off. Ass. Hirtzel; Sols. Tucker & Co., Ashburton; Ploud, Exeter.—Pet. f. May 18.

WOOD, JOHN, Brierley-hill, Staffordshire, publican, June 22, Stourbridge. Off. Ass. Harward; Sol. Corles, Worcester.—Pet. f. May 18.

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Printed by HENRY HANSARD, at his Printing Office, in Parker Street, in the Parish of St. Giles-in-the-Fields, in the County of Middlesex; and published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan-in-the-West, in the City of London, by HENRY SWEET, residing at No. 34, Porchester Terrace, Bayswater, in the County of Middlesex.—Saturday, May 30, 1860.

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No. 1378, OLD SERIES.—Vol. XXVII.

JUNE 6, 1863.

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## GAZETTES.—FRIDAY, May 29.

## BANKRUPTS.

*To be heard in London.*

ADAMS, RICHARD, Horchurch, Essex, gardener, June 16. Off. Ass. Cannan; Sols. Preston & Co., 13, Gresham-street.—Pet. f. May 27.  
 ARCHER, JOHN CHAPMAN, Oakley-square, banker's clerk, June 16. Off. Ass. Cannan; Sols. George & Co., 5, Sise-lane.—Pet. f. May 27.  
 BULL, GEORGE, Liverpool-street, Bishopsgate-street Within, carpenter, June 16. Off. Ass. Cannan; Sol. Beard, 10, Basinghall-street.—Pet. f. May 26.  
 DE FRENEX, VICTOR, Chigwell, Essex, out of business, June 16. Off. Ass. Stansfeld; Sols. Bevan & Co., 6, Old Jewry.—Pet. f. May 26.  
 DOBBINS, GEORGE JOHN, Albert-terrace, Westbourne-grove, Paddington, ironmonger, June 16. Off. Ass. Cannan; Sols. Lindsey & Co., 84, Basinghall-street.—Pet. f. May 26.  
 EVANS, THOMAS WILLIAM, High-street, Peckham, picture frame maker, June 16. Off. Ass. Cannan; Sol. Ody, 14, Trinity-street, Southwark.—Pet. f. May 26.  
 FRANKLIN, THOMAS, Edmond-street, Southampton-street, Camberwell, licensed victualler, June 16. Off. Ass. Stansfeld; Sol. Kennett, 2, Great Knight Rider-street, Doctors Commons.—Pet. f. May 26.  
 FRISER, JOHN BAKER, Elmstone and Preston, Kent, blacksmith, June 11. Off. Ass. Graham; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. May 28.  
 GAVEN, JAMES, Langham-street, Langham-place, Saint Marylebone, cabinet maker, June 9. Off. Ass. Edwards; Sol. Davies, 9, Union-court, Old Broad-street.—Pet. f. May 22.  
 GEMS, JULIUS WILLIAM, Bloune-street, Belgravia, carver and gilder, June 16. Off. Ass. Stansfeld; Sol. Hare, 8, Old Jewry.—Pet. f. May 27.  
 HARVEY, ALEXANDER, Deal, Kent, licensed victualler, June 16. Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. May 27.  
 HAWTREY, HENRY, Belgrave-terrace, Bath-road, Hounslow, labourer, June 9. Off. Ass. Edwards; Sol. Sylvester, 18, Great Dover-street, Newington.—Pet. f. May 26.  
 HUNTER, ANDREW GEORGE, and FERRIS, EDWARD PIOTT, Mark-lane, City, and Landore, near Swansea, Glamorganshire, alkali manufacturers, June 9. Off. Ass. Edwards; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. May 26.  
 JAMES, JAMES (and not JAMES, JAMES, as previously advertised), West Croydon, Surrey, commission traveller, June 9. Off. Ass. Cannan; Sols. Laurence & Co., 12, Broad-street, Cheapside.—Pet. f. May 21.  
 LUNN, RICHARD, Lurgashall, Sussex, farmer, June 9. Off. Ass. Edwards; Sol. White, Guildford, and 6, Dane's-inn, Strand.—Pet. f. May 26.  
 MULLINS, CHARLES WHEELER, Exeter-place, Commercial-road, Peckham, accountant, June 16. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 26.  
 ORTON, GEORGE, High street, Wapping, shipping butcher, June 8. Off. Ass. Graham; Sol. Waller, 14, George-street, Mansion-house.—Pet. f. May 26.  
 ROWE, CHARLES JAMES, Gloucester-place, Camden-town, jeweller's assistant, June 9. Off. Ass. Edwards; Sol. Neale, 14, Southampton-buildings, Chancery-lane.—Pet. f. May 25.  
 TABBAR, GEORGE, Goswell-street, Clerkenwell, brass finisher, June 8. Off. Ass. Stansfeld; Sol. Scott, 7, Staple-inn.—Pet. f. May 26.  
 WELLS, WILLIAM HENRY, Manchester-street, Argyle-square, King's-cross, commission agent, June 8. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 26.  
 WHITCOMBE, HENRY FENNELL, Colchester, Essex, solicitor, June 9. Off. Ass. Edwards; Sol. Duffield, 30, Cornhill.—Pet. f. May 27.  
 WIMSOMB, ALFRED LEWIS, Churton-street, Pimlico, baker, June 8. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. May 18.  
 WOOD, CHARLES THOMAS, Penge, Surrey, assistant to a licensed victualler, June 8. Off. Ass. Stansfeld; Sol. Groatorex, 59, Chancery-lane.—Pet. f. May 25.  
 WRIGHT, SAMUEL EDMONDS, Naseby Lodge, Northamptonshire, out of business, June 9. Off. Ass. Edwards; Sols. Kingdon & Co., 3, Laurence-lane; Shield & Co., Northampton.—Pet. f. May 27.

*To be heard in the Country.*

BAILEY, WILLIAM, Heavitree, Devonshire, innkeeper, June 13, Exeter. Off. Ass. Daw; Sol. Floud, Exeter.—Pet. f. May 28.  
 CLEE, JOHN, Dudley, Worcestershire, currier, June 19, Birmingham. Off. Ass. Kinnear; Sol. Malby, Dudley.—Pet. f. May 26.  
 CLIXBY, ELIZABETH, Corringham, Lincolnshire, farmer, June 10, Gainsborough. Off. Ass. Burton.—Adj. May 20.  
 CODD, EDWARD SAMUEL, Plymouth, Devonshire, mine agent, June 17, Plymouth. Off. Ass. Hirtzel; Sols. Kelly, Plymouth; Hirtzel, Exeter.—Pet. f. May 26.  
 DAVIS, LUKE, Wolverhampton, selling cattle on commission, June 11, Wolverhampton. Off. Ass. Brown; Sol. Turner, Wolverhampton.  
 FIFTER, THOMAS, Birmingham, out of business, June 15, Birmingham. Off. Ass. Gums; Sol. Duke, Birmingham.—Pet. f. May 26.  
 FRANKLYN, JOHN, Fishguard, Pembrokeshire, lieutenant in her Majesty's navy, June 10, Haverfordwest. Off. Ass. Summers.—Adj. May 11.  
 HOW, JOHN THOMAS, Totnes, Devonshire, bootmaker, June 13, Totnes. Off. Ass. Bryett; Sol. Floud, Exeter.—Pet. f. May 25.  
 HUTCHINSON, WILLIAM, Kirby Stephen, Westmoreland, carpenter, June 13, Appleby. Off. Ass. Heelis; Sol. Thompson, Appleby.—Pet. f. May 27.  
 JACKSON, JOSEPH, Penrith, Cumberland, cabinet maker, June 8, Penrith. Off. Ass. Varty; Sol. Arison, Penrith.—Pet. f. May 23.  
 KEWSTON, HARRIETT, Bath, Somersetshire, ladies' hosier, June 10, Bath. Off. Ass. Smith; Sol. Bartrum, Bath.—Pet. f. May 18.  
 KIRBY, BENJAMIN, St. Neot's, Huntingdonshire, cap maker, June 11, St. Neot's. Off. Ass. Day; Sols. Wilkinson & Co., St. Neot's.—Pet. f. May 23.

LLOTE, EDWARD, Pennant, Montgomeryshire, innkeeper, June 11, Liverpool. Off. Ass. Turner; Sols. Fugh, Llanfyllin; Evans & Co., Liverpool.—Pet. f. May 27.  
 MASON, THOMAS FILLINGHAM, Hooe, Leicestershire, farmer, June 22, Nottingham. Off. Ass. Harris; Sol. Maples, Nottingham.—Pet. f. May 19.  
 MYCROFT, ROBERT, Sheffield, saw handle maker, June 10, Sheffield. Off. Ass. Wake; Sol. Binney, Sheffield.—Pet. f. May 23.  
 NICHOLS, JAMES CHARLES, Fradley, Staffordshire, general commission agent, June 3, Lichfield. Off. Ass. Birch; Sol. Crabb, Rugby.—Pet. f. May 25.  
 POWELL, BENJAMIN, Wolverhampton, butcher, June 11, Wolverhampton. Off. Ass. Brown; Sol. Bartlett, Wolverhampton.  
 REDDISH, SAMUEL WOODWARD, Nottingham, engineer, June 16, Nottingham. Off. Ass. Patchitt; Sol. Danks, Nottingham.—Pet. f. May 26.  
 ROCK, JAMES, Rowley Regis, Staffordshire, nail manufacturer, June 8, Stafford. Off. Ass. Spilsbury; Sol. Spilsbury.—Pet. f. May 15.  
 ROSE, WILLIAM, Nottingham, naturalist, June 10, Nottingham. Off. Ass. Patchitt; Sol. Payne, Nottingham.—Pet. f. May 25.  
 SALTER, NATHAN, Bath, Somersetshire, plasterer, June 10, Bath. Off. Ass. Smith; Sol. Bartrum, Bath.—Pet. f. May 23.  
 SUMMERSKILL, ROBERT, Great Grimby, Lincolnshire, common carrier's agent, June 12, Great Grimby. Off. Ass. Daubney; Sol. Veal, Great Grimby.—Pet. f. May 23.  
 TAYLOR, JOHN, Tarleton, Lancashire, grocer, June 9, Ormskirk. Off. Ass. Welby; Sol. Parr, Ormskirk.—Pet. f. May 25.  
 WHEELER, GEORGE HENRY, Bishopwearmouth, Dublin, joiner, June 8, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. May 23.  
 WHITE, JAMES, Hucknall Torkard, Nottinghamshire, cottage farmer, June 10, Nottingham. Off. Ass. Patchitt; Sol. Heath, Nottingham.—Pet. f. May 26.  
 WILSON, JAMES, Dalton in Furness, Lancashire, labourer, June 15, Ulverston. Off. Ass. Postlethwaite; Sol. Ralph, Ulverston.—Pet. f. May 18.  
 WILSON, SAMUEL, Thetford St. Cuthbert, Norfolk, machine manufacturer, June 8, Thetford. Off. Ass. Clarke; Sol. Tillett, Norwich.—Pet. f. May 25.  
 WILSON, THOMAS, Doncaster, Yorkshire, painter, June 13, Doncaster. Off. Ass. Mason; Sol. Smith, Doncaster.—Pet. f. May 27.  
 WORNALL, ELIZABETH, Farnworth, Lancashire, shoemaker, June 6, Salford. Off. Ass. Hulton; Sol. Ambler, Manchester.—Adj. May 21.

## BANKRUPTCIES ANNULLED.

HANSON, BENJAMIN, Huddersfield, cotton-waste dealer.  
 HIGGINBOTTOM, JAMES, New Mills, Derbyshire, paper maker.

## PARTNERSHIPS DISSOLVED.

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## TUESDAY, June 2.

## BANKRUPTS.

*To be heard in London.*

ATROW, FRANCIS, College-street, Fulham-road, out of business, June 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 27.  
 BALDREY, HENRY ABRAHAM, Bath-place, Addington-square, Camberwell, in no business, June 16. Off. Ass. Cannan; Sol. Bins, 1, Trinity-square, Southwark.—Pet. f. May 29.  
 BARBER, WILLIAM, London-road, Bromley, assistant to a dairymaid, June 16. Off. Ass. Cannan; Sol. Wood, 4, Coleman-street-buildings.—Pet. f. May 30.  
 BEWSE, GEORGE BUTCHER, King-street, Snow-hill, and Metropolitan Cattle-market, commission slaughterman, June 16. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 27.  
 CAMPBELL, GEORGE EDWARD, Southampton-row, Russell-square, hotel keeper, June 18. Off. Ass. Graham; Sol. Pope, 27, Austin-frirs.—Pet. f. May 30.  
 CLODE, CHARLES, Arbour-square, Stepney, out of business, June 16. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 27.  
 COLLINS, ALFRED, Brewer-street, Regent-street, preparer of photographic papers, June 15. Off. Ass. Edwards; Sol. Padmore, 4, Water-street, Blackfriars.—Pet. f. May 27.  
 COWS, FREDERICK, Kingsbridge-terrace, Malden-road, Kentish-town, pianoforte key maker, June 18. Off. Ass. Graham; Sol. Hill, 14, Basinghall-street.—Pet. f. May 26.  
 DODD, GEORGE, Ledbury-road, Notting-hill, out of business, June 16. Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. May 29.  
 FORD, FREDERICK WILLIAM, Acton-green and Turnham-green, carpenter, June 16. Off. Ass. Stansfeld; Sol. Laundry, 33, Essex-street, Strand.—Pet. f. May 30.  
 GALLAVANT, ARTHUR, Cable-street, Whitechapel, assistant to a grocer, June 16. Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. May 27.  
 GAYLARD, THOMAS, Wellington-mews, Ledbury-road North, cab proprietor, June 18. Off. Ass. Graham; Sol. Hare, 8, Old Jewry.—Pet. f. May 27.  
 GENTLE, JOSEPH, Orchard-place, Clarence-road, Hackney, out of business, June 18. Off. Ass. Graham; Sol. Marshall, 9, Lincolns-inn-fields.—Pet. f. May 30.  
 GRAY, WILLIAM, Church-street, Hackney, dyer, June 16. Off. Ass. Graham; Sol. Wells, 47, Moorgate-street.—Pet. f. May 29.

[For continuation of Gazette, see p. 197, col. 1.]



## CONTENTS.

London Gazettes.....	202
Leading Article .....	203
Suggestions for an Alteration in the present System of Law Reporting .....	204
Correspondence .....	205
Public Examination of Students .....	207

## NAMES OF THE CASES REPORTED.

## HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

<i>Elliot v. The North-eastern Railway Company.—</i> <i>(Railway company—Compulsory conveyance—</i> <i>Right to support—Mines).....</i>	555
---	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Ex parte Morgan, in re Woodhouse.—(Bankruptcy</i> <i>—Deeds of composition—Registration—24 &amp; 25</i> <i>Vict. c. 134, ss. 192, 194) .....</i>	550
---	-----

## COURT OF APPEAL IN CHANCERY.

By C. MARRETT, Barrister at Law.

<i>Great Western Railway Company v. Metropolitan</i> <i>Railway Company.—(Public company—Shares—</i> <i>Trust) .....</i>	562
--	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

<i>Wells v. Maxwell.—(Specific performance—Time of</i> <i>the essence of the contract—Notice to rescind) ..</i>	565
--	-----

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARRETT, Barrister at Law.

<i>Pearce v. Graham.—(Wills—Legacy to a child—</i> <i>After-acquired property) .....</i>	568
<i>Blachford v. Woolley.—(Married woman—Separate</i> <i>use—Power of appointment—Debts) .....</i>	568

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

<i>Sweet v. Meredith.—(Adolescent, sale of—Motion to</i> <i>rescind contract—Practices) .....</i>	569
<i>In re Hooper's Estate—Baylis v. Watkins.—(Prac-</i> <i>tice—Affidavit, use of, not allowed—Motion to</i> <i>vary certificate) .....</i>	570
<i>In re Saunders's Estate—Saunders v. Warton.—(Fund</i> <i>in court—Felony—Voluntary settlement prior</i> <i>to conviction—Forfeiture) .....</i>	570

## COURT OF QUEEN'S BENCH.

By C. W. LOVSEY, Barrister at Law.

<i>Reg. v. Catherine Jenkins.—(Nuisance—Order to</i> <i>abate, how enforceable—Penalty—18 &amp; 19 Vict.</i> <i>c. 121, ss. 13, 14, 20) .....</i>	570
<i>Reg. v. Fisher and Another, Justices of Staffordshire.</i> <i>—(Railways Clauses Consolidation Act, 1845,</i> <i>sects. 68, 69—Accommodation works—Mines—</i> <i>Jurisdiction of justices) .....</i>	571
<i>In re Coombs.—(Bankruptcy—Petition in form</i> <i>pauperis—County court—Transfer of proceedings</i> <i>—Bankruptcy Act, 1861—24 &amp; 25 Vict. c. 134,</i> <i>ss. 94, 98, 99) .....</i>	572
<i>Reg. v. The Inhabitants of Haslemere.—(Highway—</i> <i>Indictment for non-repair—Trial—Costs of pro-</i> <i>secution—5 &amp; 6 Will. 4, c. 50, s. 95) .....</i>	573

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

<i>Cooper v. Hubbnck.—(Prescription—2 &amp; 3 Will. 4,</i> <i>c. 71, ss. 3, 4, 7—Right to light—Period of user,</i> <i>&amp;c.—“Before action”) .....</i>	575
---	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

<i>The Ornamental Pyrographic Woodwork Company</i> <i>(Limited) v. Brown.—(Joint-stock Companies</i> <i>Act, 1856—Calls) .....</i>	578
<i>Williams v. Blackwell.—(Salmon fishing—Destruc-</i> <i>tion of nets—24 &amp; 25 Vict. c. 109, s. 11) .....</i>	579
<i>Clay v. Roberts.—(Libel—“Disgraceful” conduct—</i> <i>Physician) .....</i>	580

## COURT OF PROBATE.

By DR. MIDDLETON.

<i>In the Goods of William Hammond, Deceased.—(Tes-</i> <i>tamentary paper—Execution—Blank page—15</i> <i>Vict. c. 24) .....</i>	581
<i>In the Goods of John Allnutt, Deceased.—(Codicil—</i> <i>Erroneous reference to a previous codicil) .....</i>	581

## CROWN CASES RESERVED.

By G. FRANCIS, Barrister at Law.

<i>Reg. v. William Burgess.—(Larceny—Possession of</i> <i>servant—Felonious taking by member of indus-</i> <i>trial society) .....</i>	582
--	-----

## THE JURIST.

LONDON, JUNE 6, 1863.

ALTHOUGH, at first sight, the rule of law which prohibits a solicitor from receiving a donation from his client may appear somewhat harsh, there is little doubt that its operation is, in general, most beneficial; and that, as depending on considerations of public policy, it ought, on all occasions, to be most strictly upheld.

Solicitors enjoy a species of monopoly; their charges are not liable to be reduced by open competition, and there are certain fixed scales by which their amount is fixed, and according to which, in most cases, their services are amply remunerated.

Instances undoubtedly sometimes, though perhaps rarely, occur, in which the ordinary charges of a solicitor will not form an adequate remuneration for the labour he may have bestowed, or the sacrifices he may have made, on behalf of the interests of his client.

The rule, however, is inflexible—a solicitor pending a suit, and during the relation of solicitor and client, or while the influence attending it subsists, must be contented with the charges which the law allows him

to make; and he cannot receive any gift from his client by way of additional remuneration.

Even if the client, out of his gratitude, voluntarily offers or promises to make his solicitor a donation beyond his bill of costs, it becomes the duty of the solicitor to protect his client against the effects of his own generosity—to decline the gift, and to rest contented with the payment of his ordinary charges.

If such rule did not exist, there would be often a great temptation for solicitors, either by direct representations or covert insinuation, to lead a client to suppose that the success of his suit depended upon extraordinary exertions on the part of the solicitor, and ought therefore to be recompensed by more than ordinary pay on the part of the client. This rule has recently been acted upon by the Lord Chancellor in the case of *O'Brien v. Lewis* (9 Jur., N. S., part 1, p. 528; affirming the decision of Sir J. Stuart, V. C., Id. 321). In that case, a bill had been filed by the plaintiff against a firm of solicitors, seeking to recover from them a sum of 300*l.*, retained by them as a gift to them by the plaintiff for professional services. It seems, according to the defence set up by the solicitors, that a bill in equity had been filed against the plaintiff, containing many personal charges against him; that he employed them as his solicitors to con-

duct the defence; and that the plaintiff, being under considerable anxiety respecting it, said he would make them a present of 300*l.*, beyond their fair bill of costs in the matter, if they could get it settled and arranged. The solicitors accepted the promise, settled the suit by obtaining payment of 300*l.*, out of which they retained the 300*l.* so promised. *Nine years afterwards* (during which, however, the relation of solicitor and client had continued), the plaintiff filed his bill against the solicitors; and the Lord Chancellor, affirming the decision of Sir J. Stuart, V. C., held that the plaintiff was entitled to the restoration of the 300*l.*; that the defendants were not entitled to costs; and dismissed the petition of rehearing, with costs. His Lordship observed, that it was the duty of the defendants to have said that the plaintiff could make no promise to give them 300*l.*, and that they would accept no such gift. Lapse of time was no bar to the claim; and that even if there had been any recognition of the promise by the plaintiff, the promise itself being void, it amounted to nothing. His Lordship, however, said he did not order the 300*l.* to be returned to the plaintiff for his individual merit, but because *it was his duty to uphold the general rule on considerations of public policy, that a solicitor must not be a party to such proceeding.*

By a strange anomaly it has been held, that although a solicitor cannot take a gift from his client by a transaction *inter vivos*, he may take a gift from him under his will, even although the solicitor may himself have drawn the will; such, at any rate, is the law as laid down by the Lords Justices in *Hindson v. Weatherell* (5 De G., Mac., & G. 301).

Why their Lordships should have arrived at such a conclusion it is difficult to say.

Upon what principle is a solicitor forbidden to receive a gift from a client by act *inter vivos*, whilst, even when the solicitor makes the will himself, he can take a legacy from the same client? A. B. the client, grateful to C. D. the solicitor, for his professional assistance in a suit, makes him, according to promise, a gift of 1000*l.*; such gift, according to the decision of the Lord Chancellor, in *O'Brien v. Lewis*, is clearly bad, and the sum so given may be recovered from the solicitor. But suppose the client for the same motives gives by will 1000*l.* to the solicitor, though the solicitor himself drew the will, the legacy is good.

Now, it would have been very satisfactory to the Profession, if the Lords Justices, when they decided the case of *Hindson v. Weatherell*, had given satisfactory reasons for their decision, and explained the principles upon which a court of equity is justified in setting aside a donation *inter vivos* from a client to a solicitor, while it declines to set aside a donation by a will. Sir J. L. Knight Bruce, L. J., indeed, says, "that it is impossible that a testamentary gift by a client to a solicitor can against the latter be liable to all the same considerations as a gift to him *inter vivos*, though it may be open to some of them."

The question, however, we humbly submit, was not whether a testamentary gift was liable to all the same considerations as a gift *inter vivos* in such a case, but whether it was not open to all or some of those material considerations, which the Court of Chancery, proceeding upon grounds of public policy, holds sufficient to invalidate a gift *inter vivos* by a client to his solicitor.

Sir G. J. Turner, L. J., in his judgment, decided in favour of the will, partly on the ground, that if the doctrine contended for by the plaintiff could be applied to the relation of solicitor and client, it must necessarily be applied to that of guardian and ward.

His Lordship also said, "that there was obviously a great distinction between the jurisdiction of the Court

as applied to contracts, and as applied to testamentary dispositions. In the case of a written contract the Court can direct the instrument to be delivered up to be cancelled, but it has no such jurisdiction with regard to a will." This reason of his Lordship seems, however, not to be a very good one, for although it may be true that a court of equity has no power to direct a will to be delivered up to be cancelled, it surely has power to declare that a person who has obtained a particular bequest by means of a fraud, is a trustee for the person injured by such fraud, as in the old case of *Thynn v. Thynn* (1 Vern. 295).

The case of *Hindson v. Weatherell* may be rightly decided; there may be good grounds for distinguishing between a gift by deed and a gift by will from a client to his solicitor; but is to be regretted that the Lords Justices did not tell us what those grounds are; their not having done so induces us to think that the distinction taken by their Lordships was one of that kind which has been characterised as being "without a difference."

## SUGGESTIONS FOR AN ALTERATION IN THE PRESENT SYSTEM OF LAW REPORTING

*Submitted for the Consideration of the Bar. By W. T. S. DANIEL, Q. C.*

WE have just received the inclosed, which we hasten to lay before the Profession:—

"The present system of law reporting is the subject of very general and well-founded complaint on the part as well of the judges as of all classes of practitioners. The evils complained of are various; but the following may be regarded as the chief:—

"1. Confusion and uncertainty in the law, producing perplexity in the administration of justice; this arises sometimes from the practice of indiscriminately reporting cases, without reference to the importance or character of the decisions—sometimes from the reports containing an inaccurate or imperfect statement of the facts on which the decisions are founded.

"2. The difficulty of digesting the enormous mass of constantly accumulating materials, and distinguishing the good from the bad.

"3. The expense to the practitioner arising from the necessity of possessing himself of the several series of contemporaneous reports in that branch of the profession in which he practises.

"All these evils, it is obvious, are attributable to one cause—the multiplication of contemporaneous reports. This multiplication has arisen from applying the principle of competition to correct the evils of prolixity, delay, and expense, incident to the system of authorised reporting. The evils of prolixity and delay have, to a great extent, been cured; but the evil of expense has been aggravated, and new evils created, namely, confusion and uncertainty in the law producing perplexity in the administration of justice.

"Everybody is calling out for a remedy. Some say, before anything is done, let there be inquiry, and, to that end, pray the Lord Chancellor to issue a Royal Commission. To these I respectfully answer, the evil is felt and admitted, and the cause is patent. The stage of inquiry is passed. What is wanted is a remedy, and experience proclaims that a Royal Commission can only report the evil, and suggest, but not provide, the remedy. Others say, the decisions of the judges are the expositions of the law *ex non scripto*, and it is as much the duty of the State to promulgate to the public this branch of the law, as it is its duty to promulgate the law *ex scripto*—to publish the statutes; and, therefore, say they, let Government be.



applied to for a grant to start the publication, and guarantee it against loss. To these, I, with equal respect answer—Government assistance would imply Government control; and this would involve the evils of an assumption of patronage, and an attempt at privilege, thus bringing round again the evils of a monopoly, to be again corrected by the equivalent evils of uncontrolled competition. I venture to suggest, that without either a royal commission or a Government grant, it is within the power of the bar to supply an adequate remedy.

"I recognise and base my suggestions upon the principle, that the proper preparation and publication of those judicial decisions, which are expositions of the law *ex non scripto*, is a public duty, and that the public have a right to expect that it will be discharged by a recognised body in the State qualified for the purpose. The qualifications of such a body should be—*independence of the Government; co-operation with, but not dependence upon, the judicature; adequate knowledge of the law, and experience in the practice of the Courts; combined with special skill and experience in the art of reporting.* These several qualifications are possessed in the highest degree by the bar, and by no other body of men—and the bar form a recognised body in the State—why should they not combine and undertake the duty? My proposal is that they should; and for that purpose I suggest that the members of the bar now engaged in reporting, or such of them as should think proper, together with any other members of the bar who may offer acceptable services or co-operation, should form themselves into a body of associated reporters, and, by means of a proper system of division of labour and editorial superintendence, undertake the preparation and publication, in *weekly numbers*, at a moderate charge, of the decisions of all the superior courts of law and equity, including the Probate and Divorce Courts, the Admiralty Court, and the House of Lords and Privy Council.

"If this were well done, my expectation is, that the profession and the public would thankfully accept the publication as a sufficient record of all the decisions in courts of justice which they desire to possess, and that the demand on the part of the public for contemporaneous publications of the same decisions would greatly diminish, and in time cease. The demand for the one publication would then be increased to an extent much beyond that which is enjoyed by any of the existing publications; and thus far the advantages of a monopoly would be secured without its evils. The reporting which suffices for newspapers would of course not be interfered with.

"If the public and profession were thus satisfied by an early, efficient, and cheap publication of all the reports, the judges would, I think, soon find that, on the ground of public benefit, it would be expedient and desirable not to allow any other reports to be cited as authority before them; and thus the advantages of a system of authorised reports would be secured without its evils. The entire success of the plan rests, it will be seen, upon the sustained combination of expedition, efficiency, and cheapness.

"Do vested interests stand in the way? Let it be remembered, that inasmuch as all the reports now cited in the courts are supplied by barristers, vested interests in the existing publications rest for their support upon the skill and labour of the bar. To the extent to which that skill and labour are now adequately remunerated, and the vested interest, is no more than a legitimate commercial profit, the plan I propose would, I think, provide means for fairly dealing with such vested interests. If there are any vested interests which arise from profits of com-

mmercial undertakings in which the labours of the bar are inadequately remunerated, all such vested interests would properly be left to take care of themselves.

"Is capital a difficulty? I imagine the existing publishers would see their interest in promoting rather than in opposing the scheme, for I doubt whether the present unrestrained competition does not produce its evils to them as well as others. I should, therefore, if the bar entertained my plan, suggest that the publishers be approached with proposals which should involve fair participation in profits, based upon the principle that the publishers should be agents not principals—in short, that the copyright should be considered as the property of the body of associated reporters. If the publishers declined to co-operate, I would try a subscription list by application to the judges, and the several members of both branches of the profession, and with strong hopes of success. A good subscription list would, I doubt not, be a sufficient inducement to a printer of established reputation and sufficient capital, to run a fair share of the risk.

"The details of the plan I do not enter upon—my present object is to know whether my brethren of the bar think the plan feasible, and would be willing to aid in carrying it into execution. I am anxious to collect their opinions, and shall be obliged by any answer with which I may be favoured to this communication.

"If I find that those suggestions are favourably received, I should then desire to obtain the co-operation of those who would be willing to be coadjutors, with a view to maturing a plan for commencing next Michaelmas Term.

"10, Old Buildings, Lincoln's-inn,  
May 18, 1863."

### Correspondence.

#### TO THE EDITOR OF "THE JURIST."

SIR,—The decision in *Atkinson v. Holby* (reported on appeal to the House of Lords in 9 Jur., part 1, p. 503), is, I venture to say, an ill-considered reversal of a well-considered judgment of the Lords Justices. Lord Cranworth expresses a wish that he could have adopted the view of the Lords Justices; but, in his concluding remarks, his Lordship observes, that they (the Lords Justices) do not put their construction upon the ground of any binding authority, but simply upon the general ground *that they think it ought to be so*. Now, it appears to me, that this mode of alluding to a decision of a tribunal of so high and excellent a character as that of the Court of Appeal in Chancery, is open to comment. A certain knowledge of cases is often properly assumed in judgments, especially in those of the superior courts; nor does it at all follow, because cases are not cited, that the judgment is not grounded on any authority. The single authority to which Lord Cranworth refers in the course of his judgment, is *Gallini v. Gallini* (3 Ad. & El. 340), which case did not assist his construction, as I shall presently attempt to shew, but rather strengthened that of the Court of Appeal.

The case of *Atkinson v. Holby* was originally before the Master of the Rolls, and is reported on appeal before the Lords Justices, under the title of *Atkinson v. Barton* (8 Jur., N. S., part 1, p. 902), and involved the often mooted points of estates tail and cross remainders in tail by implication from the gift over in default of issue. The particular and residuary devise in question, so far as material was, for default of such issue

(issue of John and George, sons of Faith, a daughter of the testator, who both died without issue), to Ann, Fanny, Faith, and Elizabeth, the other children of his said daughter, for their respective lives, in equal shares, with remainder to trustees and their heirs to preserve contingent remainders, with remainder, in four equal shares, to the use of the children of his said four granddaughters, and the heirs of their bodies, such children taking their mothers' shares as tenants in common in tail, with remainder to the survivors or survivor of such children and the issue of their, his, or her body in tail, *and in default of issue of his said granddaughters*, over. The facts were, that Ann had married Atkinson and died, and that the plaintiff and the defendant Ann Barton were her only issue, and that Fanny, Faith, and Elizabeth, the other granddaughters, had all died without having been married. The suit was instituted by the plaintiff for a partition, and a declaration of the rights of himself and his married sister; and he claimed one-eighth originally, i. e. by express devise, and six-eighths by descent, as heir in tail of his mother, on the ground that, subject to the gifts in tail to each of the children of the respective granddaughters, and the cross remainders in tail amongst the children of each granddaughter, there arose an immediate estate tail by implication in each granddaughter and cross remainders in tail amongst all the granddaughters, from the words "in default of issue by my said granddaughters." The defendant, sister of the plaintiff, on the other hand, contended that the words in question referred to the issue before mentioned, viz. the children and their issue, and created cross remainders amongst the respective stocks, so that the plaintiff and herself were entitled in equal moieties. It was, indeed, further contended for the defendant, that the words "survivors or survivor of such children," &c. referred to all the children of all the grandchildren, but the judgment of the Lords Justices went upon the implication of cross remainders. This would appear to be so reasonable a construction, and so strictly in accordance with the principle, supposed hitherto to have been established, of referring default of issue to the objects of the preceding devise, if in fee-simple or in fee-tail, provided such objects be not one or two of a class or otherwise restricted, that I confess I read with amazement the reversal of this decision by the House of Lords, sustained, as such reversal was alone professed to be, by *Gallini v. Gallini* (3 Ad. & El. 341); *Clache's case* (Dy. 330 b.); *Rabbeth v. Squire* (4 De G. & J. 406); *Stanley v. Leonard* (Amb. 355); and *Lord Scarborough v. Saville* (1 Swanst. 537), to all of which cases, except *Gallini v. Gallini*, Lord Chelmsford refers. His Lordship, however, notices that the words are not "in default of such issue," as if the word "such" would have made an important difference, totally ignoring the rule to which I have referred. Lord Kingsdown follows in the same track. He cannot understand the force of the argument of Sir G. J. Turner, L. J., that, if estates tail were implied in the granddaughters, the children would be prejudiced; *he cannot, however, help entertaining some doubts, however confident his own opinion may be*—strange mixture of doubt and confidence! Everybody is aware that estates tail may be barred; the children, on attaining the age of twenty-one years could, of course, exercise this right so as to defeat cross remainders amongst themselves and amongst the stocks, but the real question was, who should have the benefit of there being no issue of any one or more of the stocks, or of deaths under majority; and Sir G. J. Turner, L. J., very reasonably thought that (as far as the argument from convenience went) it was better to give the children of the other stocks the benefit of such failure than the mother of that stock which failed.

*Ginger d. White v. White* (Willcs, 348), and *Ives v. Legge* (3 Durn. & E. 488), together with many others, are clear authorities for the referential construction for which I contend; and I am bold to say that the decision in question is in direct conflict with those authorities. The question in *Gallini v. Gallini* was, whether the particular gift should be sacrificed to the general intention; and the decision was, that both should be preserved, the heir-in-tail claiming against his brothers and sisters; but there was no question between the head of one stock that had failed and the members of another stock, although, as far as the dictum of the learned judge goes, it seems to cover this case, and to support the view of the Lords Justices. Referring to the argument which had been suggested against the grandchildren in that case taking estates tail by purchase, because such estates tail might lapse, Tindal, C. J., observes, that the testator might alter his will in such a case, and then proceeds (p. 353)—"And, again, it is clear that even in the case just above supposed, *after failure of the issue of all the other grandchildren*, the issue of the grandchild so dying in the lifetime of the testator would ultimately take under the estates tail limited to the sons and daughters of the testator, *which would then come into operation*." It is true that there was a clause of survivorship in *Gallini v. Gallini*, but the learned Chief Justice does not appear to have been considering anything beyond the effect of the gift over in default of issue. I think I am justified, therefore, in asserting that this case, far from affecting the construction referential to the preceding children, tenants in tail, and their issue, rather confirms that construction; but even if the question had arisen, and a different construction had obtained in that case, as the objects of the preceding devise were limited to *surviving* children, the decision would not have governed the case of *Atkinson v. Holby*. In *Stanley v. Leonard* (Amb. 335), there was a devise to Samuel for life, with remainder to the eldest son of Samuel in tail male; and *for want of issue of the said Samuel*, over. This was a clear case for the implication of an entail in Samuel, *one* only of his children being the object of the preceding devise. *Lord Scarborough v. Saville* has not the slightest bearing upon the point. *Clache's case* and *Rabbeth v. Squire* were cited to prove, that where an attempt had been made to create cross remainders, cross remainders would not be implied. This was the difficulty felt by the Master of the Rolls; but it was entirely disposed of by the judgment of Sir G. J. Turner, L. J., and the decision of the House of Lords did not proceed upon that ground; so that, in all probability, as it now stands, it would not have the approval of his Honor, notwithstanding that the original judgment is restored.

Lord Cranworth, however, deeming some additional argument necessary for supporting the construction which he put upon this devise, introduced a not very lucid statement of possible events, which might have produced, as he said, an intestacy; but he overlooked the fact, that an interest in abeyance is still an interest which the trustees to preserve contingent remainders were bound to support; and, further, that the only ground for implying an estate tail in the parent, tenant for life, is, that none of his issue may be excluded. Now, in this case all the issue would have taken by the implication of cross remainders amongst the respective stocks of children, far more equitably, and in accordance with the intention of the testator, than by the implication of estates tail in, and cross remainders amongst, the grandchildren. It is not the parent, but the issue of the parent, that the rule is intended to benefit.

The House of Lords, as a supreme court of appeal is not happily constituted. That two or three peers

however eminent in the study of the law, but of desultory exercise therein, should be able to review and reverse the decisions of the ablest acting judges of the day, appears to me to be an unfortunate item in our present legal system.

Your obedient servant,

Rolls Chambers, Chancery-lane, G. L.  
May 28, 1863.

## PUBLIC EXAMINATION OF STUDENTS.

### TRINITY TERM, 1863.

At the public examination of students of the Inns of Court, held at Lincoln's Inn Hall, on the 19th, 20th, and 21st May, 1863, the Council of Legal Education have awarded to—

John Monroe, Esq., student of the Inner Temple, a studentship of fifty guineas per annum, to continue for a period of three years.

Frederick Albert Bosanquet, Esq., student of the Inner Temple, and William Charles Druce, Esq., student of Lincoln's-inn, certificates of honour of the first class.

William Baillie Skeene, Esq., student of Lincoln's-inn; William De Burgh, Esq., student of the Inner Temple; William Henry Weldon, Esq., student of Lincoln's-inn; John H. Kennaway, Esq., student of the Inner Temple; Duncan Darroch, Esq., student of the Inner Temple; Robert A. Bayford, Esq., student of the Inner Temple; Henry Stewart Reid, Esq., student of the Inner Temple; Maurice Powell, Esq., student of the Inner Temple; W. F. Philippotts, Esq., student of the Middle Temple; James Molloy, Esq., student of the Middle Temple; Walter C. Renshaw, Esq., student of Lincoln's-inn; Montagu W. Lowry Corry, Esq., student of Lincoln's-inn; Henry Crompton, Esq., student of the Inner Temple; George Macfarlan, Esq., student of the Inner Temple; Francis Egerton Prothero, Esq., student of the Inner Temple; Henry S. Syers, Esq., student of the Inner Temple; and John Gregory Watkins, Esq., student of Lincoln's-inn; certificates that they have satisfactorily passed a public examination.

By order of the Council,

(Signed) WESTBURY, C., Chairman.

Council Chamber, Lincoln's-inn,  
May 29, 1863.

## COURT OF QUEEN'S BENCH.

### TRINITY TERM, 26 VICT.—June 4, 1863.

THIS Court will on Saturday, the 13th, Monday, the 15th, Tuesday, the 16th, and Monday, the 22nd, days of June instant, and the five following days, hold Sittings, and will proceed in disposing of the cases in the New Trial, Special, and Crown Papers, and any other matters then pending; and will also hold a Sitting on Saturday, the 4th day of July next, for the purpose of giving judgments only.

BY THE COURT.

**JUDICIAL SOCIETY.**—A meeting of this society took place at its rooms, 4, Saint Martin's-place, Trafalgar-square, on Monday, 1st June, R. P. Collier, Esq., Q. C., M. P., in the chair; when a paper was read by Mr. Frederick Lawrence, entitled, "The Circuit System: its influence on the administration of justice, and on the interests of the bar." A discussion ensued, in which Mr. Hale, Mr. J. O. Griffiths, Mr. C. H. Hopwood, and Dr. W. Smith took part.

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this society took place at its rooms, 3, Waterloo-place, Pall-mall, on Monday, 1st June. Lord Brougham occupied the chair during the early part of the evening, in which he was afterwards replaced by W. T. S. Daniell, Esq., Q. C. A paper was read by Mr. Serjeant Burke on "The present state of the Law of Copyright in Literature and the Fine Arts, with a view to its amendment." A discussion ensued, in which, after a few observations from Lord Brougham, Mr. Field, Mr. C. Clark, Mr. B. Stewart, Mr. Gumbart, Mr. Underdown, Mr. Blaine, Mr. Pulling, and Mr. T. Webster addressed the meeting. It was then agreed that the paper should be printed, and taken into consideration on some future evening.

The Queen has been pleased to appoint William Robert Phelps, Esq., Barrister-at-Law, to be Chief Justice of the Supreme Court of the Island of Saint Helena.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed John Logan Grover, Gent., of No. 150, Pentonville-road, to be a London Commissioner to administer oaths in the High Court of Chancery.

HARRIS, KENNETT, Grove-villas, South Hackney, out of business, June 16. Off. Ass. Stansfeld; Sol. Chisley, 25, Old Jewry.—Pet. f. May 28.  
HAYNES, CHARLES, High Holborn, hotel keeper, June 15. Off. Ass. Edwards; Sols. Anderson & Co., 17, Great James street, Bedford-row.—Pet. f. May 30.  
LEIGH, HENRY, Catherine-street, Limehouse-fields, beer-shop keeper, June 16. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 27.  
MIDDLETON, GEORGE, Oakfield-villa, Haverstock-park, St. Pancras, out of business, June 16. Off. Ass. Stansfeld; Sol. Buchanan, 1, Walbrook-buildings.—Pet. f. May 28.  
PERRY, WILLIAM THOMAS, Clarence-place, Clapham-road, Stockwell, poultryer, June 15. Off. Ass. Stansfeld; Sol. Scott, 7, Staple-inn.—Pet. f. May 30.  
PIFF, EDWIN, Epsom, Surrey, saddler, June 16. Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington, Surrey.—Pet. f. May 26.  
PILBEAM, THOMAS, Prince's-place, Dorset-street, Clapham-road, engineer, June 15. Off. Ass. Edwards; Sol. Wells, 47, Moorgate-street.—Pet. f. May 30.  
RUTLEDGE, THOMAS, East Greenwich, foreman in the composite paving works, June 16. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 27.  
SELVES, WILLIAM GUANETT, Strand, tobacconist, June 16. Off. Ass. Graham; Sol. Cooper, 9, Charing-cross.—Pet. f. May 25.  
SIMS, WILLIAM, Buckingham-street, Fitzroy-square, chairmaker, June 15. Off. Ass. Stansfeld; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. May 30.  
WILKIN, GEORGE, Upper Whitecross-street, butcher, June 15. Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. May 29.  
WOODBRIDGE, FRANCIS WILLIAM, Erith, Kent, butcher, June 15. Off. Ass. Edwards; Sols. Russell & Co., 30, Queen-street, Chesham.—Pet. f. May 27.

### To be heard in the Country.

BAILIFF, JAMES, Trannere Park, Cheshire, out of employ, June 18, Birkenhead. Off. Ass. Gill; Sol. Rymer, Liverpool.—Pet. f. May 30.  
BALL, JAMES, Brecknock, beer-house keeper, June 17, Brecknock. Off. Ass. Evans; Sol. Bishop, Brecknock.—Pet. f. May 30.  
BENNETT, WILLIAM HENRY, Lincoln, labourer, June 11, Lincoln. Off. Ass. Uppleby; Sols. Brown & Co., Lincoln.—Pet. f. May 28.  
BOARD, GEORGE, Bridgwater, Somersetshire, timber dealer, June 16, Exeter. Off. Ass. Hirtzel; Sol. Clarke, Exeter.—Pet. f. May 28.  
CLYNE, SAMUEL, Birmingham, tailor, June 15, Birmingham. Off. Ass. Guest; Sols. Brown & Co., Birmingham.—Pet. f. May 30.  
CRABTREE, CHARLES, Oldham, Lancashire, grocer, June 18, Oldham. Off. Ass. Summerscales; Sol. Andrews, Manchester.—Pet. f. May 25.  
DAGLISH, JOHN, Newcastle-upon-Tyne, builder, June 17, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. May 5.  
ELADEN, JAMES, Soham, Cambridgeshire, innkeeper, June 12, Soham. Off. Ass. Hustwick; Sol. Eye, Soham.—Pet. f. May 29.  
FAIRBROTHER, JAMES, Haslingden, Lancashire, greengrocer, June 26, Manchester. Off. Ass. Pott; Sol. Gardner, Manchester.—Adj. May 13.  
GOLDSTON, SAMUEL, Birmingham, tailor, June 22, Birmingham. Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. f. May 27.  
GRAY, JAMES, Sheffield, joiner, June 13, Sheffield. Off. Ass. Young; Sols. Smith & Co., Sheffield.—Pet. f. May 30.  
HARGREAVES, JAMES, Todmorden, Lancashire, cotton manufacturer, June 18, Manchester. Off. Ass. Pott; Sols. Sals & Co., Manchester.—Pet. f. May 29.  
HOOPER, WILLIAM, Bridgwater, Somersetshire, painter, June 17, Bridgwater. Off. Ass. Lovibond; Sol. Barnham, Bridgwater.—Pet. f. May 28.

HUGHES, RICHARD, Pwllwelling, Carnarvonshire, draper, June 16, Liverpool. Off. Ass. Morgan; Sols. Evans & Co., Liverpool.—Pet. f. May 29.

KEMP, THOMAS, Gwynws, Cardiganshire, innkeeper, June 17, Aberystwith. Off. Ass. Jenkins; Sol. Vaughan, Aberystwith.—Pet. f. May 16.

LEES, JOHN, Oldham, Lancashire, tailor, June 18, Oldham. Off. Ass. Summerscales; Sol. Lowe, Oldham.—Pet. f. May 22.

LEVER, WILLIAM, Bury, Lancashire, cab proprietor, June 11, Bury. Off. Ass. Grundy; Sol. Crossland, Bury.—Pet. f. May 23.

MARSHALL, JOHN, Dewsbury, Yorkshire, fruiterer, June 19, Dewsbury. Off. Ass. Nelson; Sol. Scholes & Co., Dewsbury.—Pet. f. May 27.

MORGAN, JOSEPH, Hereford, and ADAMS, FRANCIS HAMF, Ross, Herefordshire, bankers, June 19, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. May 19.

POOLE, CAROLINE ELIZABETH, Landport, Hampshire, out of business, June 13, Portsmouth. Off. Ass. the registrar; Sol. Stening, Portsea.—Pet. f. May 28.

ROBERTSON, SAMUEL CHARLES, Gosport, Hampshire, hairdresser, June 13, Portsmouth. Off. Ass. Howard; Sol. Paffard, Portsea.—Adj. May 18.

ROBINS, EDWIN THOMAS, Burnham, Somersetshire, accountant, June 10, Weston-super-Mare. Off. Ass. Davies; Sol. Reed, Bridgwater.—Pet. f. May 5.

ROWELL, ELLEN, Stokesley, Yorkshire, haberdasher, June 16, Stokesley. Off. Ass. Sowersby; Sol. Palmer, Stokesley.—Pet. f. May 27.

SHAW, AMBROSE, Birmingham, house painter, June 15, Birmingham. Off. Ass. Guest; Sol. Assinder, Birmingham.—Pet. f. May 27.

SUMMERFIELD, GEORGE, Broughton, Northamptonshire, publican, June 12, Kettering. Off. Ass. Nettlehip; Sol. Rawlins, Market Harborough.—Pet. f. May 26.

TAYLOR, THOMAS, Brewold, Staffordshire, machinist, June 16, Wolverhampton. Off. Ass. Brown; Sol. Turner, Wolverhampton.

TABBIT, JAMES, Thornley Colliery, Durham, publican, June 13, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. May 27.

WALKER, WILLIAM, Bottesford, Leicestershire, builder, June 16, Grantham. Off. Ass. Winter; Sol. Buttery, Bingham, Nottinghamshire.—Pet. f. May 28.

WALTERS, GEORGE, Stafford, innkeeper, June 15, Stafford. Off. Ass. Spilsbury; Sol. Robinson, Stafford.—Pet. f. May 30.

WEST, WILLIAM, Blackburn, Lancashire, butcher, June 26, Manchester. Off. Ass. Fraser; Sol. Gardner, Manchester.—Adj. May 13.

WILLIAMSON, JOSIAH AUSTIN, Norwich, carpenter, June 15, Norwich. Off. Ass. Palmer; Sol. Sadd, Norwich.—Pet. f. May 28.

WORRY, WILLIAM, Chesterton, Cambridgeshire, smith, June 10, Cambridge. Off. Ass. Eaden; Sol. Hunt, Cambridge.—Pet. f. May 27.

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## GAZETTES.—FRIDAY, June 5.

## BANKRUPTS.

*To be heard in London.*

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- BAKER, JAMES, Ladbroke-road, Notting-hill, out of business, June 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 13.
- BARBER, HENRY FRANCIS COLLIER, Jamaica Level, Bermondsey, saltpetre refiner, June 23. Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. June 3.
- BARNET, ROBERT, Wilmington-square, Clerkenwell, jewel-case maker, June 15. Off. Ass. Edwards; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. June 2.
- BARTLETT, WILLIAM, Watlington, near Thame, Oxfordshire, grocer, June 18. Off. Ass. Graham; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. June 1.
- BEARD, GEORGE, Love-lane, Billingsgate, coffee-house keeper, June 18. Off. Ass. Graham; Sol. Beard, 10, Basinghall-street.—Pet. f. May 30.
- BEHRENS, BERNHARD, Southampton-street, Camberwell, ironmonger, June 23. Off. Ass. Cannan; Sols. Lepard & Co., 9, Cloak-lane.—Pet. f. May 27.
- BERRITT, JOHN, Saxmundham, Suffolk, butcher, June 15. Off. Ass. Edwards; Sol. Peverley, 19, Coleman-street.—Pet. f. June 2.
- BLADY, BARNEA, Ipswich, saddler, June 18. Off. Ass. Graham; Sols. Shirriff & Co., 3, Philip-lane; Pollard, Ipswich.—Pet. f. June 2.
- BOND, HENRY, and WHEELANS, CREESEY, Finsbury-market, shoemakers, June 15. Off. Ass. Edwards; Sols. Sole & Co., 61, Aldermanbury.—Pet. f. May 19.
- BROWSON, THOMAS RICHARD, Bowman's-place East, Seven Sisters-road, Holloway, coal dealer, June 15. Off. Ass. Edwards; Sol. Moss, 38, Gracechurch-street.—Pet. f. June 1.
- CAMBELL, GEORGE EDWARD (and not CAMPBELL, as previously advertised), Southampton-row, Russell-square, hotel keeper, June 18. Off. Ass. Graham; Sol. Pope, 27, Austin-friars.—Pet. f. May 30.
- CRIPPS, GEORGE FULLER, Westerham, Kent, hotel keeper, June 16. Off. Ass. Stansfeld; Sol. Fisher, 14, Basinghall-street.—Pet. f. May 26.
- DAY, WILLIAM CHARLES, Portland-place, Globe-road, Mile-end, general dealer, June 16. Off. Ass. Stansfeld; Sol. Waring, 25, Poultry.—Pet. f. June 3.
- EATON, FREDERICK, Lansdowne-place, Wandsworth-road, butcher, June 16. Off. Ass. Stansfeld; Sol. Heathfield, 19, Lincoln's-inn-fields.—Pet. f. June 3.
- FEILD, HUGH, Chapel-street, Somers-town, St. Pancras, dealer in earthenware, June 23. Off. Ass. Cannan; Sol. Bramwell, 19, Southampton-buildings.—Pet. f. May 11.
- FLETCHER, JOSEPH THOMAS, Woking, Surrey, surgeon, June 16. Off. Ass. Cannan; Sol. Jerwood, 17, Ely-place, Holborn.—Pet. f. June 1.
- HAMMOND, THOMAS WILLIAM, Southampton, butcher, June 23. Off. Ass. Cannan; Sols. Mackey, Southampton; Peterson & Co., 7, Bouverie-street.—Pet. f. June 2.
- HARRIS, EUSTACE, Strand, commission agent, June 16. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. May 30.
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- SMITH, GEORGE, Roman-road, North Bow, builder, June 23. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 2.
- THORPE, FRANCIS, Bryanstone-street, Portman-square, messenger in a Government Office, June 16. Off. Ass. Cannan; Sol. Hare, 8, Old Jewry.—Pet. f. June 1.
- WESSON, DANIEL, Exmouth-street, Hampstead-road, pianoforte maker, June 15. Off. Ass. Edwards; Sol. Allen, 64, Chancery-lane.—Pet. f. June 3.
- WITHAM, WILLIAM, and WITHAM, HENRY, George-street, Camberwell, horticultural engineers, June 15. Off. Ass. Edwards; Sol. Ody, 14, Trinity-street, Southwark.—Pet. f. May 29.

*To be heard in the Country.*

- AINSWORTH, WILLIAM, Preston, Lancashire, furniture broker, June 27, Preston. Off. Ass. Myres; Sols. Cunliffe & Co., Preston.—Adj. May 13.
- BALL, SAMUEL, Stoke-upon-Trent, Staffordshire, cordwainer, June 13, Stoke-upon-Trent. Off. Ass. Keary; Sol. Litchfield, Newcastle.—Pet. f. May 27.
- BAILEY, ROBERT, Stockport, Cheshire, butcher, June 26, Stockport. Off. Ass. Cockpock; Sol. Howard, Stockport.—Pet. f. May 29.
- BERRY, JOHN, Crofton, near Wakefield, Yorkshire, farmer, June 20, Wakefield. Off. Ass. Mason; Sol. Burrell, Wakefield.—Pet. f. May 30.
- GARTER, JAMES, Wymondham, Norfolk, relieving officer, June 25, Wymondham. Off. Ass. Feltham; Sol. Bailey, Norwich.—Pet. f. June 1.
- CLARK, JOSEPH, Chesterfield, Derbyshire, fishmonger, June 30, Chesterfield. Off. Ass. Wake; Sol. Cutts, Chesterfield.—Pet. f. June 1.

- CLARK, THOMAS, Leeds, provision dealer, June 22, Leeds. Off. Ass. Carrick; Sol. Naylor, Leeds.—Pet. f. June 1.
- COLE, OSMOND, Newchurch, Isle of Wight, lodging-house keeper, June 17, Newport. Off. Ass. Blake; Sol. Joyce, Newport.—Pet. f. June 2.
- DREW, THOMAS HODGSON, Birmingham, accountant, June 26, Birmingham. Off. Ass. Kinnear; Sols. Collis & Co., Birmingham.—Pet. f. June 1.
- DYKE, JOHN, Chickarell, near Weymouth, Dorsetshire, builder, June 19, Exeter. Off. Ass. Hirtzel; Sols. Lock, Dorchester; Terrell, Exeter.—Pet. f. May 28.
- ELLIOTT, WILLIAM CHRISTOPHER PARKER, Ivybridge, Devonshire, retired captain of Marines, June 19, Exeter. Off. Ass. Hirtzel; Sol. Hirtzel, Exeter.—Pet. f. June 1.
- FOSTER, CHARLES HENRY, Liverpool, retail bookseller, June 16, Liverpool. Off. Ass. Hime; Sol. Worship, Liverpool.—Pet. f. June 2.
- FOWLER, SAMUEL, Winterbourne Monkton, Wiltshire, baker, June 23, Marlborough. Off. Ass. Merriman; Sol. Rawlings, Melkham.—Pet. f. June 1.
- GARNROD, JOHN CHARLES, Hertford, plumber, June 16, Hertford. Off. Ass. Spence; Sol. Armstrong, Hertford.—Pet. f. June 2.
- GRANTHAM, JOHN CARAK, Clayworth, near Retford, Nottinghamshire, June 17, East Retford. Off. Ass. Newton; Sols. Smith & Co., Doncaster.—Adj. Feb. 10.
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- HEELIS, THOMAS, Liverpool, glass dealer, June 24, Liverpool. Off. Ass. Morgan; Sol. Radcliffe, Liverpool.—Pet. f. June 4.
- HESMONDHALOR, WILLIAM, Blackburn, Lancashire, out of business, June 22, Blackburn. Off. Ass. Bolton; Sols. Backhouse & Co., Blackburn.—Pet. f. June 1.
- HOOKE, ALFRED, Ren, Devonshire, blacksmith, June 15, Exeter. Off. Ass. Daw; Sol. Toby, Exeter.—Pet. f. May 29.
- JACKSON, ANN, Over Darwen, Lancashire, out of business, June 22, Blackburn. Off. Ass. Bolton; Sol. Clough, Blackburn.—Pet. f. June 3.
- JAMESON, MARGARET, St. Helens, Lancashire, innkeeper, June 19, St. Helens. Off. Ass. Ansdell; Sol. Beasley, St. Helens.—Pet. f. June 3.
- JONES, JEREMIAH, Coventry, Warwickshire, fishmonger, June 17, Coventry. Off. Ass. Kirby; Sol. Smallbone, Coventry.—Pet. f. May 28.
- KAUFMAN, LEVY, Kingston-upon-Hull, travelling jeweller, June 15, Hull. Off. Ass. Phillips; Sols. Spurr & Co., Hull.—Pet. f. June 1.
- KERRY, ROBERT, Newmarket, Suffolk, shoeing smith, June 23, Newmarket. Off. Ass. Button; Sols. Whitehead & Co., Cambridge.—Pet. f. May 26.
- KIMBERLEY, THOMAS, Hereford, butcher, June 22, Birmingham. Off. Ass. Whitmore; Sol. Suckling, Birmingham.—Pet. f. June 2.
- LEONARD, JOHN, Hanley, Staffordshire, joiner, June 20, Hanley. Off. Ass. Challinor; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. June 4.
- LOCKER, SAMUEL, Longton, Staffordshire, labourer, June 20, Stoke-upon-Trent. Off. Ass. Reary; Sols. Tennant & Co., Hanley.—Pet. f. May 30.
- LUCAS, CHARLES, Leekhampton, Gloucestershire, stonemason, June 16, Cheltenham. Off. Ass. Gale; Sol. Williams, Cheltenham.—Pet. f. May 25.
- MITCHELL, JOHN, Mere-hall, Lincolnshire, agricultural labourer, June 17, Lincoln. Off. Ass. Uppeby; Sol. Chambers, Lincoln.—Pet. f. June 2.
- NUTTALL, ALFRED, Sheffield, shoemaker, June 19, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. June 4.
- ODOM, JAMES, Wellington, Shropshire, tailor, June 22, Birmingham. Off. Ass. Whitmore; Sol. Marcey, Wellington.—Pet. f. June 1.
- OSBORN, ROBERT, Ipswich, whitewash, June 17, Ipswich. Off. Ass. Pretymann; Sol. Orford, Ipswich.—Pet. f. June 2.
- PRICE, SARAH, Gloucester, innkeeper, June 20, Gloucester. Off. Ass. Wilton; Sol. Smallridge, Gloucester.—Pet. f. June 3.
- PRING, JOHN, Birmingham, provision dealer, June 22, Birmingham. Off. Ass. Whitmore; Sol. Green, Birmingham.—Pet. f. May 25.
- PULLIN, JAMES, Swansea, Glamorganshire, ginger-beer maker, June 16, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. June 4.
- RICHARDSON, JOSEPH, Brigham, Cumberland, farmer, June 15, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Hayton, Cockermouth; Watson & Co., Newcastle-upon-Tyne.—Pet. f. May 27.
- RICHARDSON, THOMAS, Kingston-upon-Hull, joiner, June 17, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Pettigell, Hull.—Pet. f. May 27.
- ROBERTS, JOSEPH, Saint Asaph, Denbighshire, labourer, June 18, Saint Asaph. Off. Ass. Sisson; Sol. Louis, Ruthin.—Pet. f. June 2.
- ROBSON, PHILIP, Carlisle, Cumberland, butcher, June 18, Carlisle. Off. Ass. Halton; Sol. Ostell, Carlisle.—Pet. f. May 21.
- SCHRYVER, WILLIAM, Bridlington, Yorkshire, coach builder, June 20, Bridlington. Off. Ass. Taylor; Sol. Richardson, Bridlington.—Pet. f. May 23.
- STEED, WILLIAM, Groten, Suffolk, plumber, June 15, Hadleigh. Off. Ass. Newnham; Sol. Gooday, Sudbury.—Pet. f. May 30.
- TAYLOR, FREDERICK, Newark, Nottinghamshire, butcher, June 20, Newark. Off. Ass. Newton; Sol. Ashley, Newark.—Pet. f. June 1.
- TAYLOR, RICHARD, Birmingham, builder, July 6, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. June 2.
- THOMAS, GRIFFITH, Wainwen, near Swansea, sawyer, June 16, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. June 4.
- THORNTON, JAMES RICHARD, Huddersfield, Yorkshire, auctioneer, June 18, Huddersfield. Off. Ass. Jones; Sol. Haigh, Huddersfield.—Adj. May 14.
- WALL, FREDERICK, Worcester, innkeeper, June 26, Birmingham. Off. Ass. Kinnear; Sols. Garland & Co., Worcester; Wright, Birmingham.—Pet. f. June 4.

[For continuation of Gazette, see p. 213, col. 2.]

## CONTENTS.

London Gazettes.....	210
Leading Article .....	211
Correspondence .....	212
Review .....	213
W. T. S. Daniel, Esq., Q. C., and the Reporting System .....	213
Friedrich Carl Von Savigny.....	214
Calls to the Bar.....	216
Imperial Parliament .....	216
Court Papers:—Equity Sittings after Trinity Term, 1863 .....	216

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

Daniel v. Trotman and Others.—( <i>West India estates—Consignees—Rights of—Future profits—Trustees—Power to bind—Advances</i> ) .....	583
---	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>In re M'Veagh—M'Veagh v. Croall.—(Practice—Appeal from order made in chambers)</i> .....	587
Snowdon v. The Metropolitan Railway Company.—( <i>Practice—Orders in chambers, appeal from</i> ) ..	588
The Attorney-General v. The Conservators of the River Thames.—( <i>Practice—Involment of decree—Caveat—Notice of—Expiration of period named in—Prosecution of appeal—General Orders, sect. 23, rule 27</i> ) .....	588

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Davidson v. Wood.—( <i>Husband and wife—Debt of wife</i> ) .....	580
Noel v. Noel.—( <i>Practice—Affidavit as to documents</i> ) .....	589

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Cotching v. Bassett.—( <i>Ancient lights—Easement—Opening new lights—Acquiescence</i> ) .....	590
---	-----

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By C. MARETT, Barrister at Law.

Gossip v. Wright.—( <i>Mortgage—Sale—Right of repurchase—Amendment at hearing</i> ) .....	593
---	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Bull v. Withey and Wife.—( <i>Failure by a married woman to file an answer—Attachment on ex parte application</i> ) .....	596
Croskey v. The Bank of Wales (Limited) and Others.—( <i>Joint-stock company—Bill by A. B., for himself and all other shareholders, alleging general misrepresentation and suppression—Fraud, a separate complaint in equity—Call, construction of—Prospectus, statements in bill inconsistent with—Demurrer allowed, with costs</i> ) .....	595

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

Needham v. Oxley.—( <i>Practice—Trial by jury—Pactent—Particulars of breaches</i> ) .....	598
---	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Pinard v. Klockman and Another.—( <i>Foreign bill of exchange drawn in parts—Indorsement of one of the parts composing the set—Liability of previous indorsers to the holder for the remaining parts</i> ) ..	599
---	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Henman v. Lester.—( <i>Evidence—Admission of, at trial—Effect on verdict—Protection of witness—Judge's province—Questions put as to the contents of a record, &amp;c.—Cross-examination—Evidence to discredit a witness—New trial</i> ) .....	601
Trotter, App., Walker, Resp. (Case of Alfred Hallam).—Sedgwick, App., Trevor, Resp.—( <i>County vote—Service of notice of objection—Notice of objection—Objector's signature—Effect of signature being in part illegible</i> ) .....	603

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Thornton v. Wilkinson.—( <i>Ejectment—Costs</i> ) .....	606
---	-----

## THE JURIST.

LONDON, JUNE 13, 1863.

WHILE the benefits conferred on the world by the introduction of railway travelling are too obvious to need comment, an imperative duty is imposed on the law to guard against the recklessness, carelessness, or cupidity of those to whom the management of that travelling is intrusted. Railway companies are necessarily invested with enormous powers and privileges, while the control over them is comparatively small. In the event of death or accident to persons using their lines, they, being corporations, are free from all responsibility to the criminal law; and almost the only checks upon them are actions for damages for injury to the living, or compensation to relatives for the loss of the dead, under Lord Campbell's Act, 9 & 10 Vict. c. 93. Numerous instances of such actions are reported in the books, and are familiar to every one. And juries are disposed to be rather severe on companies in this respect, perhaps too much so, although we cannot help considering this a fault on the right side.

The railway companies, however, chafe under this wholesome discipline, and, if we are to judge by their

language and conduct, seem to demand a general license to maim and slay with impunity. They have long complained of having to pay large sums of money for their own negligence, as if that were a piteous grievance; but the case of *Pym v. The Great Northern Railway Company* (2 B. & S. 767; 8 Jur., N. S., part 1, p. 819) appears to have brought their indignation to a climax. In that case a gentleman of fortune having been killed by a mishap—we will not say by an "accident," for the word would be misapplied—to a train in which he was travelling, occasioned by the negligence of the servants of the company, his wife, as his personal representative, sued the company on behalf of herself and their children, and recovered 13,000*l.* damages, which were afterwards reduced by the Court to 9000*l.* Cockburn, C. J., in delivering the judgment of the Court, said—"We are not insensible to the argument *ab inconvenienti*, founded on the very serious consequences which might ensue to a railway company in the event of a fatal accident happening from negligence to an individual of very large fortune. But we think this is rather for the consideration of the Legislature, as to whether any limit should be put to the liability, than for us."

Acting under the feelings we have described, and encouraged by the hint thrown out in this judgment, a bill was introduced into the House of Commons,



during the present session, by Sir John Fergusson, intitled "A Bill to regulate the Compensation for Accidents," which, on the second reading, was rejected by a majority of 90 against 70. The following were its principal clauses:—

"Sect. 2. No railway company shall be liable to pay any larger sums than the following in respect of any passenger killed or injured, unless such passenger be insured as hereinafter provided; that is to say, no greater sum, in respect of any first-class passenger, than 400*l.*; in respect of any second-class passenger, than 300*l.*; in respect of any third-class passenger, than 200*l.*

"Sect. 3. It shall be lawful for any passenger to demand, that the railway company at whose office he is booked shall (in addition to the amount of compensation hereinbefore limited) insure him against injury or death consequent upon any accident during his journey, and the said company shall insure him accordingly; and the following conditions shall apply to such insurances:—

- "(1). No company shall be required to insure any person against injuries or death to a greater amount than 3000*l.*;
- "(2). The premiums to be paid to railway companies for such insurance against injuries or death shall not exceed — for 500*l.*; — for 1000*l.*; — for 2000*l.*; and — for 3000*l.*;
- "(3). With respect to passengers holding annual or periodical tickets, the premiums for insurance shall not exceed such rates as the Board of Trade shall approve;
- "(4). The company insuring shall and may make by-laws or regulations, to be approved by the Board of Trade, as to the times when such insurances shall be applied for, and the mode of entering into the same."

There were, also, the following provisions relative to shipowners:—

"Sect. 4. Subject to the proviso hereinafter contained, no shipowner shall be liable to pay any greater sum than 200*l.* in respect to any passenger killed or injured, unless such passenger be insured as hereinafter mentioned.

"Sect. 5. It shall be lawful for any passenger to demand, that the shipowner to whom he pays his passage money shall (in addition to the compensation hereinbefore limited) insure him against injury or death consequent upon any accident during his voyage; and (subject to the proviso hereinafter contained) the said shipowner shall insure him accordingly to any amount, not exceeding 2000*l.*, at such rates, and subject to such conditions, as the Board of Trade shall from time to time approve: provided, that any shipowner may refuse to insure the passengers by any or all of his ships; but if he shall so refuse, he shall not, with respect to such passengers, be entitled to the benefit of the restrictions and provisions of this act."

Although this impudent bill, with its heartless tariff of human life, has been rejected by the Legislature, it

is by no means clear that we are done with the subject. The railway interest is strong in Parliament, as clearly shewn by the above minority, and railway companies are sympathised with by many persons on account of the exaggerated and groundless claims so constantly set up against them for trivial and even fictitious injuries. The answer, however, is, that while this imposes on judges and juries the duty of protecting companies to the uttermost against such claims, it affords no reason whatever for protecting them against the consequences of the proved misconduct or negligence of themselves or their servants. If we examine the causes of the misfortunes which have happened to trains travelling on railways, we shall find many of them clearly traceable to misconduct or negligence in the companies; such as bad materials used in the construction of the lines, engines, or carriages, employing improper persons as servants, overworking or underpaying such as are employed, running trains too soon after one another, &c.; others are owing to the misconduct or negligence of their servants; others to the recklessness of passengers; while those which come under the true description of "accidents," i. e. mischiefs which happen notwithstanding every reasonable care taken to prevent them, are exceedingly few. It may be hard, no doubt, in some cases to hold a company responsible for the acts of every one of a numerous staff of servants; but—"qui sentit commodum sentire debet et onus"—against this must be set the enormous profits they are enabled to make, and the powers invested in them for carrying on the general traffic of the country, of which they have almost a monopoly. And as to servants, it is in the power of these companies to follow the example of sheriffs, who, being responsible for the acts of their officers, take care to employ none except those for whose conduct they have taken ample security. But, in any event, if a conflict arises between the profits of railway companies and the lives and limbs of her Majesty's subjects, so that the law is compelled to deal harshly with the one or the other, we have no hesitation in saying that its own general principles, as well as the obvious dictates of humanity, give the latter a prior claim to protection.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

EX PARTE MORGAN, RE WOODHOUSE.

SIR,—The excessive lucidity of the Lord Chancellor's judgment in *Ex parte Morgan* (reported in 9 Jur., N. S., part 1, p. 559) must have dazzled your reporter, for I cannot in any other way account for the inaccuracy of his marginal note to that case. The deed in question was not a deed of composition, but a deed by which the debtor assigned all his personal estate to trustees, in trust for such of his creditors as should execute the deed within a limited time; and the decision was merely an application of the well-settled rule, that the exclusion of any of the creditors from the benefit of a deed of arrangement, is sufficient to prevent its operation under the repealed six-sevenths clause, or under the new three-fourths clause which is

now perplexing lawyers. It was not decided in that case that a composition deed can, under any circumstances be an act of bankruptcy, nor was it decided that trust deeds, not providing for the distribution of the whole of the debtor's estate, can bind dissenting creditors. *Tetley v. Taylor* (1 El. & Bl. 521) was not overruled, and it is not probable that even the Lord Chancellor will venture to overrule it, if he should ever have the opportunity.

I may take this occasion to observe, that the regulation made by the Lord Chancellor, under which all appeals in bankruptcy are heard by him is, in its petty way, unconstitutional and mischievous. His Lordship's reason for taking his rickety child under his own exclusive care, as far as he can do so, is obvious, but not respectable. Nothing can be more opposed to the spirit of our judicial institutions than to trust the interpretation and application of an act of Parliament to the promoter or framer of it, even when the framer has manifested some capacity for law making. The consequences, to be now apprehended are, confusion worse confounded in the law of bankruptcy, and the unsettlement of the rules of interpretation. It is fortunate that Lord Westbury's interesting bantering is likely to undergo Spartan discipline in the courts of common law.

I am, Sir,

Your obedient servant,  
LEX.

Respectfully.

*Forms of Decrees in Equity, and of Orders connected with them; with Practical Notes. By the Hon. Sir HENRY WILMOT SETON, Knt., late one of the Judges of the Supreme Court of Calcutta. The Third Edition, by W. H. HARRISON, Esq., M. A., of the Inner Temple, Barrister-at-Law, and R. H. LEACH, Esq., one of the Registrars of the Court of Chancery. In two volumes, royal 8vo., pp. 1578.*

[Stevens, Sons, & Haynes.]

"Seton on Decrees" made its appearance in 1830, and its value, not merely as a tool in the Chancery draftsman's workshop, but as a guide and key to Chancery jurisdiction and procedure, was at once recognised. The long delay of twenty-four years before the publication of the second edition by Messrs. Harrison & Leach, was not occasioned by any want of demand for it, but partly by the fire in Lincoln's-inn, in 1849, which destroyed the greater part of Mr. Harrison's manuscript, and partly by the great changes which the Legislature subsequently made in Chancery jurisdiction and practice; and with reference to those changes, the publication was even then premature, and the work was, with some few exceptions, limited in its scope to decrees and orders made at the time of the hearing and the subsequent stages of the suit. In the present edition, by the same editors, the bulk of the work has been more than doubled. To those who are familiar with the second edition, it is sufficient to say, that the new edition appears to have been prepared with equal care, that the same names appear on the title page, and that the editors acknowledge in their Preface the assistance of a great many able and experienced lawyers and officers of the court. To those who are not yet acquainted with the work, we may observe, that it is not valuable merely as a collection of Chancery precedents, but that, in addition to the exposition of the entire range of Chancery jurisdiction in action by the forms of decrees and orders, the book contains, in the very numerous and carefully prepared notes, a vast amount of practical information on almost every head of

Chancery law, with references leading to much more. Thus, under such titles as "Account," "Personal Assets," "Real Assets," "Mortgages," "Specific Relief," "Infants," "Executors and Trustees," "Solicitors," "Injunctions," "Receivers," &c., may be found in a condensed form, matter which would be sought in vain in any of the text-books. The bewildered common-lawyer will nowhere find more efficient assistance in his investigation of the nature and extent of "equitable relief" than in this work.

## W. T. S. DANIEL, ESQ., Q. C., AND THE REPORTING SYSTEM.

IN our last number (p. 204) we inserted a short pamphlet by W. T. S. Daniel, Esq., Q. C., intitled "Suggestions for an Alteration in the present System of Law Reporting, submitted for the Consideration of the Bar." This pamphlet has for some weeks been in private circulation among members of the bar; but Mr. Daniel has now sent it to us for publication, accompanied by a letter, in which he states that he protests that he does not desire to disregard the fair rights of property, nor to advocate a mere monopoly; that he desires to remedy what is thought by many to be a public evil; and that the adequacy and fitness of the remedy he suggests is a matter of which every one will judge for himself.

We have expressed our own views on the present state of the reporting system (ante, pp. 159, 167, 195) too recently to call for any fresh allusion to it, and will therefore dismiss the subject by inserting a letter which we find in *The Law Times* of last week, addressed to that journal. We make no remarks on this letter, and leave it to our readers to take its statements and suggestions for what they are worth:—

"Sir,—I have read Mr. Daniel's pamphlet, and should like, through you, to put to him a few questions. He proposes that the existing reporters should secede in a body from their present employers, and set up for themselves, under the name of 'The Associated Reporters,' compelling the present proprietors of reports to exchange a mere agency for their present valuable properties. This, in plain terms, is counselling us to 'a strike'—a proceeding not quite honourable on our parts, and that would be rather dangerous. I think employment could not be found for all of us by Mr. Daniel's scheme; more than half of us would not be wanted. Who is to choose from among us the fortunate men, and then what is to become of the rest of us? We shall have thrown up our present engagements to find ourselves ousted altogether. It is ridiculous to suppose that the present proprietors of the reports would tamely submit to the loss of their properties; they would combine, too, and the competition would be fiercer than ever. Equally ridiculous it is to suppose that, if we were to strike, as Mr. Daniel exhorts, plenty of others would not be found only too glad to fill the places we leave. Still further: if we were foolish enough to follow such advice, and go to the judges to ask for what you have rightly called 'exclusive audience,' what sort of answer should we get? Why, would they not say that they could not be dependent upon any single reports, for what are they to do while the full report is preparing? They must be informed what the other Courts have decided, or there will be conflicting decisions, and therefore an early report is as necessary as a formal one, and speed

is incompatible with the care required for the report that is to be the final and full record of the decision. But, Sir, while agreeing with my brother reporters, with whom I have talked on the subject, that Mr. Daniel's scheme is as impracticable as it is unjust, I agree with him that the 'regular' reports are capable of improvement; they are too expensive. There is no reason why they should cost more than ten times as much as *The Law Times* reports, and six times as much as *The Law Journal*. It appears to me that the proprietors of the regular reports might advantageously combine their forces, and bring them out in a uniform series, at regular monthly issues, at a much less cost, and with far more profit to themselves. This would do all that is wanted, without the ruin to any interest involved in Mr. Daniel's plan. The Profession could then have just what they want—first, a rapid report, like those of *The Law Times*, *The Jurist*, and *The Law Journal*—surely a sufficient choice; and, secondly, a complete series of the 'regular' reports, got up with care, after reference to the pleadings and briefs, the arguments being revised by the counsel, and the judgments by the judges who delivered them. I make this suggestion as the result of a great deal of thought upon the subject by

"AN OLD REPORTER.

"Temple, June 2, 1863."

### FRIEDRICH CARL VON SAVIGNY.

In the May number of the *Law Magazine*, p. 77, is an article on the great German jurist Savigny, that will amply repay perusal. We insert the following extract from it, not only as illustrative of the rest of the article, but as bearing on a subject interesting to English as well as German jurists, and, indeed, to the jurists of every country:—

"In the year 1814 appeared his famous pamphlet 'Vom Beruf unseres Zeitalters für Gesetzgebung und Rechtswissenschaft.' There was a very general feeling in Germany in favour of internal unification by means of a code. Some wished to adopt that promulgated in Austria in 1811; others to form a new one; and Thibaut, who first gave expression to the common desire\*, hoped that the representatives of the different States then assembled at the Congress of Vienna would help to realize it. This distinguished jurist was a warm and genuine patriot, as his great adversary in the 'friendly struggle†' was ready to confess; but he belonged to that philosophical school, fed on the theories of the eighteenth century, which believed that law can be produced, of the desired quality and at the shortest notice, on any soil. This belief was an offshoot of that extraordinary presumption, born of intellectual conceit and the pride of knowledge, which, in alliance with the maniacal strength of human misery, achieved such a mighty revolution in religion and politics, and which, having lost all respect for a past that seemed prolific only of abuses, imagined the present capable of realizing absolute perfection. It placed the end and goal of jurisprudence in a universal code for all nations and all times; a code so complete as to give a mechanical guarantee for equity and justice, and it demanded, in that spirit, a common legislation for Germany.

"Savigny's reply was in the spirit which the nineteenth century was already bringing to bear on philosophy, science, and literature. It was an application and development of the lessons of Vico and Montesquieu, which may be summed up in that thought of Pascal, which considers, 'toute la suite des hommes pendant le cours de tant de siècles comme un même homme qui subsiste toujours et qui apprend continuellement.' The past was not to be studied merely that abuses might be exposed, or an imaginary perfection idolised; it was to be examined with a profounder attention, as the parent and nurse of the present and the future. Old things were regarded as the foundation of new, instead of being swept away with the besom of destruction, in order to make room for them. In fine, then arose that school which has not yet accomplished its work, which inculcates reform instead of revolution, a historical school, whose functions are not confined to the realm of jurisprudence.

"With a more loving regard for the past, a more earnest devotion to his own science, free from the spell exercised by the dream of mere outward uniformity, Savigny came forward as the champion of the common law; recognising, indeed, the value of legislation and codification, but requiring the former to proceed from the opinion and wants of the nation itself, and placing the latter in its true position, as a question of expediency, not a matter of necessity. He shewed that legal science was only in its infancy; that it would be folly to stereotype and fix for ever a state of the law obviously so imperfect, that Austria and Prussia would not give up their own new codes; and that, therefore, any attempt at general codification would most probably result in a permanent division of the nation into two halves. He pointed out the defects in all previous attempts at codification—in France, Austria, and even in Prussia. He shewed that the want and the vocation of the age was rather for progress in a common jurisprudence; and he maintained, with an earnestness and conviction that arose from a worthy but modest self-consciousness, that the nation had yet freshness and vigour enough to produce great jurists, and an intellectual fecundity that would only be hampered by the codifications that suited ageing nationalities. In his view, 'the call for codes arose from indolence and dereliction of duty on the part of the legal profession, which, instead of mastering the materials of the law, was overpowered and hurried headlong by their overwhelming mass.'

"Savigny's view of the whole subject of codification was based on his conception of the nature of private law, as originating directly from the people. Whatever may be the functions of the State in ordering and protecting its own existence through public and criminal law, private law proceeds immediately from the actions of individuals. The customs and precedents, the usages of merchants, and those of courts, are not merely the primitive, but the permanent organs of legal progress.

"He did not conceive the law as immutable, an heirloom that must not be bartered or changed. This charge against the historical school was unfounded. 'The human body,' he said (*Zeitschr.*, iii, 4, *Stimmen für und wider neue Gesetzbücher*), 'is not unchangeable, but is incessantly growing and developing itself; and so I regard the law of each nation as a member of its body,

\* "Ueber die Nothwendigkeit eines Allgemeinen bürgerlichen Rechts für Deutschland," in *Civillistische Abhandlungen*, pp. 404-409.

† Niebuhr (*Life and Letters*, ii, 208, Engl. tr.) calls it 'an acrimonious contest, which, however, terminated reasonably.'

• "Optandum esset, ut hujusmodi legum institutio illis temporibus auscipiatur, que antiquioribus, quorum acta et opera tractant, literis et rerum cognitione præstiterint. . . Infelix res namque est, cum ex judicio et selectis multis minus prudentia et eruditæ antiquiora opera utilitatem recomponuntur."—Bacon de Augm. Sc. L. 6, c. 2 (quoted by Savigny *Vom Beruf, &c.*, p. 21).

not as a garment merely that has been made to please the fancy, and can be taken off at pleasure and exchanged for another.' He pointed out, too, the source of the whole agitation for codes, the attempt to rectify the law from above and at one stroke, in the tendency of the time, 'alles zu regieren, und immer mehr regieren zu wollen.' (Id., p. 44). In fine, he pointed out that the 'historical spirit is the only protection against a kind of self-deception, which is ever manifesting itself in individuals as well as in whole nations and epochs—that which makes us fancy what is peculiar to ourselves to belong to universal humanity. Thus, in time past, some, by leaving out prominent peculiarities, made a system of natural law out of the Institutes, and deemed it the very voice of reason; now there is none but pities such an error; yet we every day see people hold their juridical notions and opinions to be rational only because they cannot trace their genealogy. Whenever we are unconscious of our individual connexion with the great universe and its history, we necessarily see our own thoughts in a false light of generality and originality. Against this we are protected by the historical spirit, which it is the most difficult task to turn against ourselves.' (Vom Beruf, 115).

"It was not surprising that Savigny's views should kindle opposition among the numerous party interested in maintaining the principles of the French rule, who hoped to be allowed to apply these principles for their own interests as soon as the old German tendency to isolation of races and territories again dared to manifest itself. Professor Gönner, of Landslut, a representative of this class, accused Savigny of democratic views, and a desire to place the sovereign prerogative of legislation in the hands of the people and its jurists. He considered a code for all Germany inconsistent with a federation of sovereign states\*. He desired to obliterate every trace of common nationality, and the very appearance of State subjection, although he had pressed on the States forming the Confederation of the Rhine the uniform adoption of the Code Napoléon, pure and simple. Savigny's reply† was crushing. He insisted on freedom as necessary for the development of law, as well as other functions of the intellectual life of nations. But he urged above all the preservation of every institution that supported or confirmed the national unity. He knew how important it was to withstand that spirit of 'particularism' which is unable to see the wood because of the trees; he was fully aware of the value of local and municipal institutions, but he felt that unity was of still more vital importance to his country.

"For the maintenance of such principles and the cultivation of historical jurisprudence, Savigny, Eichhorn, and Göschel had established, in 1815, the 'Zeitschrift für geschichtlichen Rechtswissenschaft.' The same objects which this journal had in view were still more efficiently aided by the great works of its chief conductors, Savigny's 'History of Roman Law in the Middle Ages,' and Eichhorn's 'Deutsche Staatsund Rechtsgeschichte.' Savigny's third great work exhibits the strange and unexpected result of the continuity of the Roman law during the darkest period of European history; and it depicts its resurrection and second life in the jurisprudence and literature of the Middle Ages. Professor Rudorff ascribes it to a

special interposition of Providence in behalf of the historical school, that just when the veil had been lifted from the Middle Ages by the gigantic labours of Savigny, the obscurity that had enveloped the more remote antiquity of the Roman law was in a great measure dispelled by the discovery of the institutions of Gaius. The Roman law was thus traceable in its whole growth, from the whole forms of the republic, through the remains of the classic jurists, the Pandects of Justinian, its flickering life in the church, the municipalities, and the universities, till its revival in the schools of Bologna, and its re-asserted predominance in the tribunals of the Germanic empire. We quote here the eloquent words of Professor Rudorff, in describing the historical school:—

"The masters of the older schools had acknowledged only statutes as sources of law. The primitive customary law growing up out of the autonomy of individuals and the decisions of judges, and the legal profession, the natural representative of the nation in legal affairs, had in their eyes a scarcely tolerated existence. An international law without the State they were in all consistency obliged to deny. Now, the municipal law escaped from that legislative arbitrariness, that system of constraint in the domain of law, as theoretical politics shook off the arbitrary doctrines of the social contract or of conquest, as historical literature shook off the *pragmatismus* which pretended to explain everything by individual purpose and deliberate design. Law stepped out into the general highway of intellectual history, and the more precise formulation of the law giver, who stands in the centre point of his people and his history, appeared henceforth but as one of its manifold organs.

"The previous jurisprudence was wholly dogmatic, and its dogmas consisted only of wearisome logical categories, and rules for interpreting the legislative will. The jurists of the eighteenth century wanted altogether the historical, and even the genuine systematic, sense which deals with what is organically connected. The history of law to the rationalist lawyers was only a catalogue of the aberrations of the human mind; to the positivists it was a worthless collection of defunct and useless antiquities. The historical school restored to jurisprudence, besides the juxtaposition of cotemporary facts, the regular succession of a series of varying forms, in which we become aware of the presence and operation, from first to last, of the same national life, uniting, individualising, developing the whole. To it legal history is no longer dead matter. It knows only an immanent, not a transitory past, the knowledge of which is no superfluous, or at the best useful, preparation; but the whole of jurisprudence is as much history as system, only a different arrangement distinguishes the freedom of historical development from the necessary and well-proportioned systematic unity of the manifold institutes.

"Perhaps the most plausible objection to the historical school was founded on its supposed want of all higher philosophical thought. It was accused of standing aloof from the ideal. The works of Savigny alone, full of the soundest philosophy, stated in the most transparent style, are enough to refute this notion. The historical school only demands division of labour; it asks to have its own office duly appreciated, but it does not pretend to exist without using the aid of a rational and reflective jurisprudence. The two tendencies are as inseparable as soul and body. Savigny confined himself with rare self-denial to the exposition of the law on its historical side, and in its external form. He never loses sight of the worldly

\* "Similar was the view of Altmendingen (Politische Ansichten, Wiesbaden, 1814), who applied the 'national theory' of law to the little states of Germany, confounding the notions of state and nation, and demanding a special code for each state.—Ein neues Trennungsmittel für die Deutschen, Zeitschrift, iv. 32."

† "Zeitschrift, vol. i, Verm. Schriften, iii, No. 52, p. 167."

\* "See Savigny's *By*

interest of his subject in 'speculations on the philosophy of legal history or the physiology of peoples, nor obscures the classical simplicity of his outlines by metaphysical deduction, the romance of theological colouring, or the dangerous play of etymological fancy.' His own answer to the want of philosophical thought with which his history has been charged, stands in the *Zeitschrift*, iii, p. 56. 'No confusion,' he says, 'is more pernicious than that of micrology with special knowledge of details. Every reasonable man must estimate micrology at a very low value, but accurate and minute knowledge of details is so indispensable in all history, that it is the only thing that can give it value. A legal history not based on this thorough investigation of particulars can give, under the title of great and powerful principles, nothing better than a general and superficial reasoning on half-true facts—a procedure which I deem so barren and fruitless, that, in comparison with it, I give the preference to an uncultivated empiricism †.'

### CALLS TO THE BAR.

THE following gentlemen have been called to the degree of Barrister at Law:—

**LINCOLN'S-INN.**—Charles Frederick Bockett, Esq. (certificate of honour, first class); Robert Tennent, Esq., B.A.; the Hon. Evelyn Melbourne Ashley, M.A.; Walter Molesworth St. Aubyn, Esq., B.A.; John Gregory Watkins, jun., Esq., B.A.; Robert Jasper More, Esq., M.A., B.C.L.; Herbert George Henry Norman, Esq., B.A.; Thomas Willert Beale, Esq.; Charles John Hampden, Esq., M.A.; George Miller, Esq., M.A.; John Eden Duncombe Shafto, Esq., M.A.; Dudley Zamolski Beaumont, Esq., B.A.; William Thirlwall Bayne, Esq., LL.B.; Mackertich Stephen, Esq.; Peter Stevenson Davis, Esq.; William Baillie Skene, Esq., M.A.; Henry Jenkyns, Esq., M.A.; George Alfred Paley, Esq., M.A.; Joseph Knight, jun., Esq.; Montagu William Lowry Corry, Esq., B.A.; Swinton Henry Boulton, Esq., M.A.; and Alfred Lorenz Driberg, Esq.

**INNER TEMPLE.**—Frederick Alfred Bosanquet, Esq., M.A. (certificate of honour, first class); William De Burgh, Esq., B.A.; Algernon Thomas Lempriere, Esq., M.A.; Henry Crompton, Esq., B.A.; Jacobus Petrus De Wet, Esq., B.A.; Arthur Moseley Channell, Esq., B.A.; Edwin Brooke Cely Trevilian, Esq., B.A.; William Henry Alexander, Esq., B.A.; Charles Bathurst, Esq., B.A.; the Hon. Douglas Edward Holroyd, B.A.; Francis Thomas Egerton Prothero, Esq., B.A.; Duncan Darroch, Esq., B.A.; George Macfarlan, Esq., B.A.; Drummond Smith, Esq., M.A.; Charles Garth Colleton Rennie, Esq., M.A.; Charles Forbes Hodson Shaw, Esq.; Henry Worms, Esq.; Gwilym Williams, Esq.; John Thomas Crossley, jun., Esq.; Robert Augustus Bayford, Esq., B.A.; John Camerson Ross, Esq.; George Godfrey Farrant, M.A.; and William Laurence Mackenzie, Esq.

**MIDDLE TEMPLE.**—James Lynam Molloy, Esq.; William Conrad Reeves, Esq.; William Primrose Mills, Esq.; Lionel Browne, Esq.; Leonard Harper, Esq.; Henry Edmund Cartwright, Esq.; William Frederick Haynes Smith, Esq.; Francis Peter Labilliere, Esq.; Charles Frederick Collier, Esq.; and William Newton, Esq.

\* "Lerminier, Hist. du Droit, p. 355.

† "The application of these principles to the History of Roman law in the Middle Ages will be found in a letter of Savigny, cited in the 'Notice' in the French translation, p. 21."

**GRAY'S-INN.**—William Bush Cooper, Esq.; Arthur Pigon, Esq.; and Robert Carr Woods, Esq.

### Imperial Parliament.

#### HOUSE OF LORDS.—June 8.

The royal assent was given to the Corrupt Practices at Elections Bill.

Lord Brougham brought in a bill for establishing councils of reconciliation.

June 9.

The Security from Violence Bill was read a second time, without a division, but with protests against it by Lord Cranworth and Lord Granville.

#### HOUSE OF COMMONS.—June 10.

The Innkeepers' Liability Bill (No. 1) went through committee.

### Court Papers.

#### EQUITY SITTINGS AFTER TRINITY TERM, 1863.

##### Court of Chancery.

Before the LORD CHANCELLOR.

At Lincoln's Inn.

Friday ....	June 19	First Seal.—Appeal Motions and Appeals.
Saturday .....	20	Petitions and Appeals in Bankruptcy and Appeals.
Monday .....	22	Appeals.
Tuesday .....	23	Appeals.
Wednesday ....	24	Appeals in Bankruptcy and Appeals.
Thursday .....	25	Second Seal.—Appeal Motions and Appeals.
Friday .....	26	Appeals.
Saturday .....	27	Petitions and Appeals in Bankruptcy and Appeals.
Monday .....	29	Appeals.
Tuesday .....	30	Appeals.
Wednesday ..	July 1	Appeals in Bankruptcy and Appeals.
Thursday .....	2	Third Seal.—Appeal Motions and Appeals.
Friday .....	3	Appeals.
Saturday .....	4	Petitions and Appeals in Bankruptcy and Appeals.
Monday .....	6	Appeals.
Tuesday .....	7	Appeals.
Wednesday ....	8	Appeals in Bankruptcy and Appeals.
Thursday .....	9	Fourth Seal.—Appeal Motions and Appeals.
Friday .....	10	Appeals.
Saturday .....	11	Petitions and Appeals in Bankruptcy and Appeals.
Monday .....	13	Appeals.
Tuesday .....	14	Appeals.
Wednesday ....	15	Appeals in Bankruptcy and Appeals.
Thursday .....	16	Fifth Seal.—Appeal Motions and Appeals.
Friday .....	17	Appeals.
Saturday .....	18	Petitions and Appeals in Bankruptcy and Appeals.
Monday .....	20	Appeals.
Tuesday .....	21	Appeals.
Wednesday ....	22	Petitions and Appeals in Bankruptcy and Appeals.
Thursday .....	23	Sixth Seal.—Appeal Motions and Appeals.

N. B.—Such days as his Lordship shall be engaged in the House of Lords are excepted.

*Before the LORDS JUSTICES.*

*At Lincoln's Inn.*

Friday .... June 19	First Seal.—Appeal Motions and Appeals.
Saturday ..... 20	Appeals.
Monday ..... 22	
Tuesday ..... 23	
Wednesday .... 24	
Thursday ..... 25	Second Seal.—Appeal Motions and Appeals.
Friday ..... 26	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday ..... 27	Appeals.
Monday ..... 29	
Tuesday ..... 30	
Wednesday .. July 1	
Thursday ..... 2	Third Seal.—Appeal Motions and Appeals.
Friday ..... 3	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday ..... 4	Appeals.
Monday ..... 6	
Tuesday ..... 7	
Wednesday ..... 8	
Thursday ..... 9	Fourth Seal.—Appeal Motions and Appeals.
Friday ..... 10	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday ..... 11	Appeals.
Monday ..... 13	
Tuesday ..... 14	
Wednesday .... 15	
Thursday ..... 16	Fifth Seal.—Appeal Motions and Appeals.
Friday ..... 17	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday ..... 18	Appeals.
Monday ..... 20	
Tuesday ..... 21	
Wednesday .... 22	
Thursday ..... 23	Sixth Seal.—Appeal Motions and Appeals.

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

*Before the MASTER OF THE ROLLS.*

*At Chancery-lane.*

Friday .... June 19	First Seal.—Motions and General Paper.
Saturday ..... 20	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 22	General Paper.
Tuesday ..... 23	
Wednesday .... 24	
Thursday ..... 25	
Friday ..... 26	Second Seal.—Motions and General Paper.
Saturday ..... 27	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 29	General Paper.
Tuesday ..... 30	
Wednesday .. July 1	
Thursday ..... 2	
Friday ..... 3	Third Seal.—Motions and General Paper.
Saturday ..... 4	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 6	General Paper.
Tuesday ..... 7	
Wednesday .... 8	
Thursday ..... 9	
Friday ..... 10	Fourth Seal.—Motions and General Paper.
Saturday ..... 11	Petitions, Short Causes, Adjourned Summonses, and General Paper.

Monday ..... 13	General Paper.
Tuesday ..... 14	
Wednesday .... 15	
Thursday ..... 16	Fifth Seal.—Motions and General Paper.
Friday ..... 17	General Paper.
Saturday ..... 18	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 20	Remaining Petitions and General Paper.
Tuesday ..... 21	
Wednesday .... 22	
Thursday ..... 23	Sixth Seal.—Motions.

\* \* At the Sittings after Trinity Term, the Master of the Rolls will hear Further Considerations in priority to Original Causes, until those set down before the 19th June have been disposed of, after which the Master of the Rolls will hear Further Considerations on every Monday during the sitting of the Court.

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

*At Lincoln's Inn.*

Friday .... June 19	First Seal.—Motions, Adjourned Summonses, and General Paper.
Saturday ..... 20	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 22	General Paper.
Tuesday ..... 23	
Wednesday .... 24	
Thursday ..... 25	Second Seal.—Motions, Adjourned Summonses, and General Paper.
Friday ..... 26	Petitions, Adjourned Summonses, and General Paper.
Saturday ..... 27	Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 29	General Paper.
Tuesday ..... 30	
Wednesday .. July 1	
Thursday ..... 2	Third Seal.—Motions, Adjourned Summonses, and General Paper.
Friday ..... 3	Petitions, Adjourned Summonses, and General Paper.
Saturday ..... 4	Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 6	General Paper.
Tuesday ..... 7	
Wednesday .... 8	
Thursday ..... 9	Fourth Seal.—Motions, Adjourned Summonses, and General Paper.
Friday ..... 10	Petitions, Adjourned Summonses, and General Paper.
Saturday ..... 11	Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 13	General Paper.
Tuesday ..... 14	
Wednesday .... 15	
Thursday ..... 16	Fifth Seal.—Motions, Adjourned Summonses, and General Paper.
Friday ..... 17	Petitions, Adjourned Summonses, and General Paper.
Saturday ..... 18	Short Causes, Adjourned Summonses, and General Paper.
Monday ..... 20	General Paper.
Tuesday ..... 21	
Wednesday .... 22	
Thursday ..... 23	Sixth Seal.—Motions.

N. B.—At the Sittings after Trinity Term, the Vice-Chancellor will hear Further Considerations in priority to Original Causes. Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.



*Before the Vice-Chancellor Sir JOHN STUART.**At Lincoln's Inn.*

Friday ....	June 19	First Seal.—Motions, Causes, &c.
Saturday .....	20	Petitions, Short Causes, Causes, &c.
Monday .....	22	} Causes, &c.
Tuesday .....	23	
Wednesday .....	24	} Second Seal.—Motions, Causes, &c.
Thursday .....	25	
Friday .....	26	Petitions, Causes, &c.
Saturday .....	27	Short Causes, Causes, &c.
Monday .....	29	} Causes, &c.
Tuesday .....	30	
Wednesday .....	July 1	} Third Seal.—Motions, Causes, &c.
Thursday .....	2	
Friday .....	3	Petitions, Causes, &c.
Saturday .....	4	Short Causes, Causes, &c.
Monday .....	6	} Causes, &c.
Tuesday .....	7	
Wednesday .....	8	} Fourth Seal.—Motions, Causes, &c.
Thursday .....	9	
Friday .....	10	Petitions, Causes, &c.
Saturday .....	11	Short Causes, Causes, &c.
Monday .....	13	} Causes, &c.
Tuesday .....	14	
Wednesday .....	15	} Fifth Seal.—Motions, Causes, &c.
Thursday .....	16	
Friday .....	17	Petitions, Causes, &c.
Saturday .....	18	Short Causes, Causes, &c.
Monday .....	20	} Petitions, Causes, &c.
Tuesday .....	21	
Wednesday .....	22	} Sixth Seal.—Motions.
Thursday .....	23	
Friday .....	24	General Petition Day.

N. B.—At the Sittings after Trinity Term the Vice-Chancellor will hear Further Considerations in priority to Original Causes. Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put in the paper to be so heard.

No Cause, Motion for Decree, or Further Consideration, except by order of the Court, may be marked to stand over, if it shall be within twelve of the last cause or matter in the printed paper of the day for hearing.

*Before the Vice-Chancellor Sir W. P. WOOD.**At Lincoln's Inn.*

Friday ....	June 19	First Seal.—Motions and General Paper.
Saturday .....	20	Petitions, Short Causes, and General Paper.
Monday .....	22	} General Paper.
Tuesday .....	23	
Wednesday .....	24	} Second Seal.—Motions and General Paper.
Thursday .....	25	
Friday .....	26	General Paper.
Saturday .....	27	Petitions, Short Causes, and General Paper.
Monday .....	29	} General Paper.
Tuesday .....	30	
Wednesday .....	July 1	} Third Seal.—Motions and General Paper.
Thursday .....	2	
Friday .....	3	General Paper.
Saturday .....	4	Petitions, Short Causes, and General Paper.
Monday .....	6	} General Paper.
Tuesday .....	7	
Wednesday .....	8	} Fourth Seal.—Motions and General Paper.
Thursday .....	9	
Friday .....	10	General Paper.
Saturday .....	11	Petitions, Short Causes, and General Paper.
Monday .....	13	} General Paper.
Tuesday .....	14	
Wednesday .....	15	

Thursday .....	16	} Fifth Seal.—Motions and General Paper.
Friday .....	17	
Saturday .....	18	} Petitions, Short Causes, and General Paper.
Monday .....	20	
Tuesday .....	21	} Remaining Petitions and General Paper.
Wednesday .....	22	
Thursday .....	23	Sixth Seal.—Motions.

N. B.—At these Sittings the Vice-Chancellor will hear such Further Considerations as are in the printed list in priority to Original Causes, and after the Sixth Seal Motions and Remaining Petitions only will be heard. Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put in the paper to be so heard.

The Courts will not sit after Tuesday, the 4th day of August.

We regret to announce the decease of James Grant, Esq., Barrister-at-law, reporter for this Journal in the Court of Common Pleas. Mr. Grant was known as the author of a "Treatise on Corporations," "Reports of Registration Cases," and some other legal works.

WENMAN, WILLIAM THOMAS, Sheerness, Kent, grocer, June 22, Sheerness. Off. Ass. Edmeades; Sol. Hayward, Rochester.—Pet. f. June 2.  
WILLIAMS, JAMES, Walsall, Staffordshire, roller maker, June 17, Walsall. Off. Ass. Clarke; Sol. Wilkinsons, Walsall.  
WILLIAMS, ROBERT, Salford, Lancashire, beer retailer, June 20, Salford. Off. Ass. Hulton; Sol. Bennet, Manchester.—Pet. f. June 2.  
WILLIAMS, THOMAS, Hereford, coach wheel maker, June 26, Hereford. Off. Ass. Reynolds; Sol. Garrold, Hereford.—Pet. f. June 2.  
WYKE, JOHN, Nova Scotia, within Blackburn, Lancashire, file manufacturer, June 22, Blackburn. Off. Ass. Bolton; Sol. Clough, Blackburn.—Pet. f. June 3.

## BANKRUPTCY ANNULLED.

GARRETT, LEWIS, Islington, and Prospect-place, Walworth-road, publican.

## TUESDAY, June 9.

## BANKRUPTS.

*To be heard in London.*

BAYLIS, THOMAS HUTCHINSON, Mornington-place, and Austin-tian-passage, of no occupation, June 25. Off. Ass. Graham; Sol. Blake, 41, Moorgate-street.—Pet. f. June 6.  
BECK, HENRY, Park-road, Tottenham, town traveller, June 23. Off. Ass. Stansfeld; Sol. Treherne & Co., 17, Gresham-street.—Pet. f. June 6.  
BISH, GEORGE, Stratford, Essex, engineer, June 23. Off. Ass. Edwards; Sol. Jackson, 2, Field-court, Gray's-inn.—Pet. f. June 4.  
BROOKS, CLARISSA, Southampton, wine merchant, June 23. Off. Ass. Cannan; Sol. Stocken, 61, Cornhill; Lomer, Southampton.—Pet. f. June 4.  
COLWELL, HENRY, Crawford-street, and Mount-street, Grosvenor-square, truss maker, June 25. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 5.  
FARRINGTON, JOHN, Winchester-street, Bethnal-green, oilman, June 25. Off. Ass. Graham; Sol. King, 53, Fenchurch-street.—Pet. f. June 2.  
FESTING, MAURICE, Saint George's-place, Victoria Dock-road, grocer, June 23. Off. Ass. Cannan; Sol. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. June 5.  
FISHER, EDWARD, Willow-vale, Shepherd's Bush, draper, June 23. Off. Ass. Edwards; Sol. Jones, 15, Size-lane.—Pet. f. June 6.  
GRACE, JOHN, Paradise-street, High-street, Marylebone, carpenter, June 23. Off. Ass. Edwards; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. June 5.  
JONES, RICHARD WILLIAM HUGH, Victoria-terrace, Notting-hill-gate, commission agent, June 23. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 5.  
LAW, ALEXANDER PATRICK, Brecknock-terrace, Camden-town, out of employ, June 25. Off. Ass. Graham; Sol. Dolman, 39, Jermyn-street.—Pet. f. June 3.  
OLDHAM, HENRY, Hampton-terrace, Camden-town, ironmonger, June 25. Off. Ass. Cannan; Sol. Wallinger, 9, Fenchurch-street.—Pet. f. June 4.  
SELBY, PRIDEAUX, Greenwich, master mariner, June 23. Off. Ass. Cannan; Sol. Catchpole, 23, Great Tower-street.—Pet. f. June 6.  
STAFFORD, WATSON, Croyley-terrace, West Hoxton, letter carrier, June 22. Off. Ass. Stansfeld; Sol. Hill, 19, Basinghall-street.—Pet. f. June 4.  
TAYLOR, HENRY WILLIAM, Eaton-terrace, St. John's Wood, clerk to an upholsterer, June 23. Off. Ass. Edwards; Sol. Chidley, 25, Old Jewry.—Pet. f. June 1.  
TRILL, ALFRED, Sidney-road, Homerton, commercial traveller, June 23. Off. Ass. Graham; Sol. Moss, 28, Martin's-lane.—Pet. f. June 4.

VAN RAALTE, JOSEPH, and VAN RAALTE, JACOB, St. John's-road, Hoxton, commission agents, June 22. *Off. Ass. Stansfeld; Sol. Stockpole, Pinner's-hall.*—*Pet. f. May 29.*  
WRIGHT, THOMAS FRANCIS, Theberton-street, Islington, of no trade, June 22. *Off. Ass. Graham; Sol. Lewis, 23, Great Marlborough-street, Regent-street.*—*Pet. f. June 6.*

**To be heard in the Country.**

ALGOOD, JAMES, Banbury, Oxfordshire, assistant to an ironmonger, June 22, Banbury. *Off. Ass. Fortescue; Sol. Stockton, Banbury.*—*Pet. f. June 6.*  
ATLAND, JOSTIA ALBERT, Stoke-upon-Trent, Staffordshire, parian manufacturer, June 20, Birmingham. *Off. Ass. Klinear; Sol. Wright, Birmingham.*—*Pet. f. June 6.*  
BASSETT, RICHARD, St. Brides Major, Glamorganshire, farmer, June 20, Bridgend. *Off. Ass. Lewis; Sol. Ensor, Cardiff.*—*Pet. f. June 3.*  
BATTERBY, JAMES, Bolton, Lancashire, beer seller, June 22, Bolton. *Off. Ass. Holden; Sol. Richardson & Co., Bolton.*—*Pet. f. June 4.*  
BELL, JOHN, Elkaley, Nottinghamshire, bricklayer, June 27, East Retford. *Off. Ass. Newton; Sol. Marshall, East Retford.*—*Pet. f. June 8.*  
BOLDUCK, JOSEPH, Lincoln, tailor, June 24, Kingston-upon-Hull. *Off. Ass. Carrick; Sol. Brown & Co., Lincoln.*—*Pet. f. June 3.*  
BROOM, HENRY, Widworthy, Devonshire, butcher, June 18, Honiton. *Off. Ass. Stamp; Sol. Flood, Exeter.*—*Pet. f. June 3.*  
BUTLER, JOHN, Portsea, Hampshire, clerk of works in the War Department, June 25, Portsmouth. *Off. Ass. the registrar; Sol. Steing, Portsea.*—*Pet. f. June 3.*  
CALLOW, BENJAMIN, Liverpool, artist, June 19, Liverpool. *Off. Ass. Hime; Sol. Henry, Liverpool.*—*Pet. f. June 5.*  
CORBETT, JAMES FLETCHER, Manchester, out of employment, June 20, Salford. *Off. Ass. Hulton; Sol. Atherton, Manchester.*—*Pet. f. June 5.*  
DABY, SARAH, Tipton, Staffordshire, grocer, June 18, Dudley. *Off. Ass. Walker; Sol. Corrie, Worcester.*—*Pet. f. May 26.*  
ELLIOTT, WILLIAM, Newbury, Berkshire, out of business, June 20, Hungerford. *Off. Ass. Astley; Sol. Cave, Newbury.*—*Pet. f. June 3.*  
EVANS, RICHARD, Bonvilstone, Glamorganshire, farmer, June 23, Cardiff. *Off. Ass. Langley; Sol. Stephens, Cardiff.*—*Pet. f. June 5.*  
EVANS, SAMUEL NORTON, Wolverhampton, brassfounder's clerk, June 19, Birmingham. *Off. Ass. Klinear; Sol. Langman, Wolverhampton.*—*Pet. f. May 29.*  
FRANKLAND, WILLIAM, Stokesley, Yorkshire, grocer, June 22, Stokesley. *Off. Ass. Sowerby; Sol. Palmer, Stokesley.*—*Pet. f. June 4.*  
FULLER, JAMES, Gravesend, baker, June 19, Gravesend. *Off. Ass. Southgate; Sol. Sharland, Gravesend.*—*Pet. f. June 4.*  
GERARD, CHARLES, Burslem, Staffordshire, bootmaker, June 20, Hanley. *Off. Ass. Challisor; Sol. Lees, Burslem.*—*Pet. f. June 8.*  
HALL, JOHN MATTHEW, Kingston-upon-Hull, licensed victualler, June 24, Kingston-upon-Hull. *Off. Ass. Carrick; Sol. Pettingell, Hull.*—*Pet. f. June 5.*  
HAMLIN, LOUISA, and HAMLIN, MARY ANN, Bristol, stationers, June 26, Bristol. *Off. Ass. Harley; Sol. Clifton & Co., Bristol.*—*Pet. f. June 3.*  
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BOURNER, CHARLES, Devonshire-grove, Old Kent-road, commission agent, June 25. *Off. Ass. Graham; Sol. Wyatt, 30, Clement's-lane, Lombard-street.*—*Pet. f. June 8.*

BUCHAN, GEORGE, Vauxhall-walk, Lambeth, carpenter, June 23. *Off. Ass. Stansfeld; Sol. Wetherfield, 35, Moorgate-street.*—*Pet. f. June 8.*

CALLOW, JOHN, St. Andrew's-road, Horsemonger-lane, assistant to a miller, June 30. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 9.*

COLLINGWOOD, WILLIAM ALFRED, Basinghall-street, and Dame-street, Islington, accountant's clerk, June 23. *Off. Ass. Edwards; Sol. Mardon, 99, Newgate-street.*—*Pet. f. June 8.*

COOPER, THOMAS POOLLY, Sudely-street, Islington, clerk to an engineer, June 25. *Off. Ass. Graham; Sols. Lewis & Co., 10, Ely-place.*—*Pet. f. June 9.*

DAVIES, JOHN, Lamb Conduit-street, compositor, June 23. *Off. Ass. Stansfeld; Sol. Waldron, 52, Lamb Conduit-street.*—*Pet. f. June 8.*

DUDLEY, JOSEPH, Cottage-row, Bermondsey-wall, out of business, June 23. *Off. Ass. Edwards; Sol. Silvester, 18, Great Dover-street.*—*Pet. f. June 8.*

GARDINER, JOHN, Queen-street, Golden-square, envelope stamper, June 23. *Off. Ass. Edwards; Sol. Lewis, 22, Great Marlborough-street.*—*Pet. f. June 9.*

GLOVER, JAMES, James-street, Paddington, and Gracechurch-street, dealer in gas regulators, June 23. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 8.*

HALL, THOMAS, David-street, George-street, New Kent-road, carpenter, June 23. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 9.*

HUNT, JOHN, Preston, Suffolk, builder, June 23. *Off. Ass. Edwards; Sol. Reed, 3, Gresham-street.*—*Pet. f. June 9.*

JEANS, JOSEPH HENRY, Southampton, medical practitioner, June 23. *Off. Ass. Edwards; Sol. Stocken, 61, Cornhill.*—*Pet. f. June 9.*

JONES, THEODOR SAMSON, Millman-row, King's-road, Chelsea, commission agent, June 23. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 8.*

LEE, BARBARA, Park-street, Islington, attorney's clerk, June 23. *Off. Ass. Cannan; Sol. Ilderton, 28a, Basinghall-street.*—*Pet. f. June 8.*

LINGSY, THOMAS BUSBY, Railway-place, Shoreditch, silversmith, June 25. *Off. Ass. Graham; Sol. King, 29, Queen-street, Cheapside.*—*Pet. f. June 10.*

MASSARENTI, GASTANO NICOLO VINCENZO MARIA, Frith-street, Soho, commission agent, June 23. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 8.*

MASTERMAN, HENRY SAMUEL, Warner-place, Hackney-road, hearth-rug manufacturer, June 23. *Off. Ass. Stansfeld; Sol. Wells, 47, Moorgate-street.*—*Pet. f. June 8.*

NASH, EREWHER MICHAEL, Strand, tobacconist, June 30. *Off. Ass. Stansfeld; Sol. Schultz, 4, Dyer's-buildings, Holborn.*—*Pet. f. June 10.*

PERKINS, JOHN, Thomas-street, Newington-caneway, commission agent, June 30. *Off. Ass. Edwards; Sol. Marshall, 9, Lincoln's-inn-fields.*—*Pet. f. June 10.*

PICK, THOMAS, Union-row, Clapham, out of employ, June 22. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 9.*

PILBEAM, FREDERICK, Tamworth-road, Croydon, builder, June 23. *Off. Ass. Edwards; Sol. Tayloe, 4, Scott's-yard, Bush-lane.*—*Pet. f. June 5.*

SALTNER, FREDERICK GRAHAM, Cleveland-street, Fitzroy-square, shoemaker, June 22. *Off. Ass. Graham; Sols. Stophor & Co., 36, Coleman-street.*—*Pet. f. June 8.*

SHORTLAND, THOMAS, Floors, near Weedon, Northamptonshire, tailor, June 30. *Off. Ass. Cannan; Sols. Loftus & Co., 10, New-inn, Strand; Shoosmith, Northampton.*—*Pet. f. June 9.*

WIMON, EDWARD, Park-walk, Chelsea, commission agent, June 23. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 6.*

SMITH, CHARLES JESSE, Houndditch, oilman, June 23. *Off. Ass. Edwards; Sol. Adams, 13, Walbrook.*—*Pet. f. June 8.*

SMITH, JOHN BELL, Regent-street, Pall-mall, and Earl's-court-gardens, Brompton, artist, June 30. *Off. Ass. Cannan; Sol. Mason, 19, Maddox-street, Regent-street.*—*Pet. f. June 10.*

STEVENS, JOHN, St. John's-wood-terrace, Regent's-park, clerk to the North-western Railway Company, June 29. *Off. Ass. Graham; Sol. Hill, 10, Basinghall-street.*—*Pet. f. June 11.*

SUTER, CHARLES, High-street, Borough, Southwark, dealer in furniture, June 30. *Off. Ass. Cannan; Sols. Marshall & Co., 13, Hatton-garden.*—*Pet. f. June 10.*

TERRINGTON, ROBERT, Stanhoe, Norfolk, cordwainer, June 23. *Off. Ass. Stansfeld; Sols. Lawrence & Co., 14, Old Jewry-chambers.*—*Pet. f. June 8.*

WAINWRIGHT, JAMES, King David-lane, Shadwell, bass broom maker, June 22. *Off. Ass. Stansfeld; Sol. Jukes, 19, Basinghall-street.*—*Pet. f. June 10.*

WHISE, MARTIN, King William-street, Strand, and Hercules-buildings, Lambeth, accoucher, June 22. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 9.*

WILSON, THOMAS NORMAN, Woolwich, Kent, and Harford-terrace, Mile-end Old-town, dock clerk, June 23. *Off. Ass. Edwards; Sol. Heathfield, 19, Lincoln's-inn-fields.*—*Pet. f. June 9.*

*To be heard in the Country.*

ARROWSMITH, THOMAS, Stafford, shoe manufacturer, June 29, Stafford. *Off. Ass. Spilsbury; Sol. Bowen, Stafford.*—*Pet. f. June 8.*

BARNES, ALEXANDER, Sheffield, cutlery manufacturer, June 27, Sheffield. *Off. Ass. Young; Sol. Unwin, Sheffield.*—*Pet. f. June 9.*

BRELL, WILLIAM, Holmedale, near Reigate, Surrey, butcher, June 23, Reigate. *Off. Ass. Hart; Sol. Silvester, 18, Great Dover-street, Southwark.*—*Pet. f. June 8.*

CAPES, GABRIEL BRITAIN, Burton-on-Trent, Staffordshire, engineer, June 22, Birmingham. *Off. Ass. Whitmore; Sol. Barber, Birmingham.*—*Pet. f. June 8.*

CLEMMET, JAMES, Stockton-on-Tees, Durham, attorney-at-law, June 30, Newcastle-upon-Tyne. *Off. Ass. Baker; Sols. Griffith & Co., Newcastle-upon-Tyne.*—*Pet. f. June 8.*

COOKE, WILLIAM, Newbold Vardon, Leicestershire, grocer, June 26, Birmingham. *Off. Ass. Kinnear; Sols. Cowdell & Co., Market Broom; James & Co., Birmingham.*—*Pet. f. June 9.*

CRAIG, ROBERT, Liverpool, licensed victualler, June 24, Liverpool. *Off. Ass. Turner; Sol. Pemberton, Liverpool.*—*Pet. f. June 9.*

CUMBERLAND, WILLIAM, Nottingham, maltster, July 22, Nottingham. *Off. Ass. Patchitt; Sol. Preston, Nottingham.*—*Pet. f. June 11.*

DUMBRILL, JOHN NEVILLE, Eastbourne, Sussex, out of business, June 18, Lewes. *Off. Ass. Blake; Sol. Goodman, Brighton.*—*Pet. f. June 2.*

FIELD, JOSEPH, Kirkburton, Yorkshire, general-shop keeper, July 2, Huddersfield. *Off. Ass. Jones; Sol. Freeman, Huddersfield.*—*Pet. f. June 3.*

FISHER, JOE, Golcar, near Huddersfield, Yorkshire, cloth dresser, July 2, Huddersfield. *Off. Ass. Jones; Sol. Mason, York.*—*Adj. May 27.*

FOX, MICHAEL JOHN, Rotherham, Yorkshire, cordwainer, June 25, Rotherham. *Off. Ass. Newman; Sol. Hirst, Rotherham.*—*Pet. f. June 9.*

GELDERD, ROBERT, Gillingham-in-Manningham, Yorkshire, cutter, July 22, Bradford. *Off. Ass. Robinson; Sol. Hutchinson, Bradford.*—*Pet. f. May 29.*

GIBSON, THOMAS, Bedworth, Warwickshire, sawyer, June 26, Nuneaton. *Off. Ass. Dewes; Sol. Smallbone, Coventry.*—*Pet. f. June 10.*

GOLDSMITH, MIRIAM, Portlady, Sussex, out of business, June 24, Brighton. *Off. Ass. Everard; Sol. Goodman, Brighton.*—*Pet. f. June 9.*

HILL, ELIJAH, North Nibley, Gloucester, haulier, June 22, Dunley. *Off. Ass. Jackson; Sol. Clutterbuck, Stroud.*—*Pet. f. June 8.*

HODGKINS, THOMAS, Huddington, Worcestershire, haulier, June 29, Droitwich. *Off. Ass. Tombs; Sol. Beasley, Worcester.*—*Pet. f. June 8.*

HOWARD, ANNA, Southampton, optician, June 22, Southampton. *Off. Ass. Thorndike; Sol. Mackey, Southampton.*—*Pet. f. May 12.*

INMAN, ISAAC, Sheffield, commercial traveller, June 27, Sheffield. *Off. Ass. Young; Sol. Unwin, Sheffield.*—*Pet. f. June 9.*

JACKSON, CHARLES, and SAUNDERS, CHARLES, Oldham, Lancashire, coach builders, June 24, Manchester. *Off. Ass. Fraser; Sol. Marriott, Manchester.*—*Pet. f. June 1.*

JAMES, EREWHER, Southampton, builder, July 18, Southampton. *Off. Ass. Thorndike; Sol. Mackey, Southampton.*—*Pet. f. June 10.*

KERSHAW, JAMES, Rochdale, Lancashire, woollen weaver, June 24, Rochdale. *Off. Ass. Woods; Sols. Standing & Co., Rochdale.*—*Pet. f. June 6.*

LLOYD, THOMAS, Birmingham, timber merchant, July 3, Birmingham. *Off. Ass. Kinnear; Sols. Hodgson & Co., Birmingham.*—*Pet. f. June 9.*

LORD, JOHN, Halifax, Yorkshire, accountant, July 2, Leeds. *Off. Ass. Young; Sols. Hill, Halifax; Bond & Co., Leeds.*—*Pet. f. June 11.*

PEARSON, WILLIAM, Whapdale, Lincolnshire, shoemaker, June 24, Holbeach. *Off. Ass. Caparn; Sols. Bonner & Co., Spalding.*—*Pet. f. June 9.*

PEARSON, WILLIAM HENRY, Kingston-upon-Hull, alster, June 24, Kingston-upon-Hull. *Off. Ass. Carrick; Sols. Spurr & Co., Hull.*—*Pet. f. June 10.*

POWELL, JOHN, Stanton Lacy, Shropshire, farm bailiff, June 23, Ludlow. *Off. Ass. Williams; Sol. Chandler, Shrewsbury.*—*Pet. f. May 30.*

RATTER, HENRY, Coventry, Warwickshire, artist, June 29, Birmingham. *Off. Ass. Whitmore; Sol. Ivens, Leamington.*—*Pet. f. June 10.*

REEVE, THOMAS, Colehill, Warwickshire, wheelwright, June 29, Birmingham. *Off. Ass. Whitmore; Sols. Hodgson & Co., Birmingham.*—*Pet. f. June 9.*

RICE, JOSEPH, Cheddle, Cheshire, brick maker, June 25, Manchester. *Off. Ass. Herniman; Sol. Boote, Manchester.*—*Pet. f. June 10.*

SHAW, JAMES, Manchester, provision dealer, June 23, Manchester. *Off. Ass. Pott; Sols. Cobbett & Co., Manchester.*—*Pet. f. June 5.*

SIMPLEY, CHARLES, Oldham, Lancashire, assistant to a cattle dealer, July 9, Ashton-under-Lyne. *Off. Ass. Worthington; Sol. Rawlinson, Manchester.*—*Pet. f. June 9.*

SMITH, JOSEPH, Birmingham, manufacturer of electro-plated goods, July 6, Birmingham. *Off. Ass. Guest; Sol. Parry, Birmingham.*—*Pet. f. June 8.*

STEINTHAL, JOSEPH, Abbey Hey, Gorton, Lancashire, manufacturing chemist, July 6, Manchester. *Off. Ass. Herniman; Sol. Slater, Manchester.*—*Pet. f. June 3.*

WALKER, WILLIAM, Over, Cheshire, agent to a salt manufacturer, July 2, Liverpool. *Off. Ass. Morgan; Sol. Cheshire, Northwich, Cheshire.*—*Pet. f. June 11.*

WALL, EDWARD, Birmingham, shoemaker, July 6, Birmingham. *Off. Ass. Guest.*—*Pet. f. May 12.*

[For continuation of Gazette, see p. 231.]

CONTENTS.

London Gazettes.....	222	VICE-CHANCELLOR STUART'S COURT—(continued).	
Leading Article.....	223	The Attorney-General v. The Tewkesbury and Malvern Railway Company.—(Railway company—Bridge over turnpike road—Deposited plans and sections, proposed deviation from—Railway Clauses Consolidation Act—Injunction).....	618
Imperial Parliament.....	225	O'Brien v. Lewis and Lewis.—(Taxed costs—Solicitor's lien—Writ of ca. sa.).....	620
Court Papers:—Equity Cause Lists, after Trinity Term.....	229	EXCHEQUER CHAMBER.	
Circuits of the Judges.....	231	By H. HOLROYD, Barrister at Law.	
NAMES OF THE CASES REPORTED.		Behn v. Burness.—(Ship and shipping—Charter-party—"Now in the port of Amsterdam"—Condition precedent—Representation).....	620
HOUSE OF LORDS.		COURT OF QUEEN'S BENCH.	
By J. T. HOPWOOD, Barrister at Law.		By G. J. P. SMITH, Barrister at Law.	
Crossley v. Dixon.—(Patent—Licenses of—Estoppel—Infringement).....	607	The Sheffield United Gas Company, Apprs., The Overseers of Sheffield, Resps.—(Poor rate—Gas company—Principle of rating—Modes of obtaining rateable value and of apportioning).....	623
COURT OF CHANCERY.		COURT OF COMMON PLEAS.	
By J. T. HOPWOOD, Barrister at Law.		By J. GRANT, Barrister at Law.	
Clark v. Leach.—(Partnership—Dissolution—Expiration of term—Partnership at will).....	610	Chambers v. Miller and Others.—(Cheque—Overdrawn account at a banker's—Mistake—Property passing).....	626
COURT OF APPEAL IN CHANCERY.		COURT OF EXCHEQUER.	
By C. MARETT, Barrister at Law.		By W. BRANDT, Barrister at Law.	
In re Ives.—(Lunacy—Stock—Shares).....	611	Bruce v. Jones.—(Valued policy—Measure of damages).....	628
ROLLS COURT.		Sherratt v. Webster.—(Breach of promises of marriage—Additional count).....	629
By C. W. CROUCH, Barrister at Law.		CROWN CASES RESERVED.	
Clark v. Malpas.—(Taxation—Party and party costs).....	612	By G. FRANCIS, Barrister at Law.	
In re Bowen.—(Attachment—Delivery of bill of costs).....	612	Reg. v. William Jarrold and Thomas Ost.—(24 & 25 Vict. c. 93, s. 58—Being armed with intent to commit burglary—General intent to commit burglary somewhere, not enough—Indictment).....	629
Sellar v. Griffin.—(Principal and agent—Overseers of parish—Collector of rates—Liability to account).....	612	COURT OF PROBATE.	
Coventry v. Coventry.—(Husband and wife—After-acquired property—Covenant to settle).....	613	By DR. MIDDLETON.	
VICE-CHANCELLOR KINDERSLEY'S COURT.		Jenkyns v. Gaisford and Thring.—(Codicil—Execution—Signed by direction of testator—Stamp) ..	630
By W. W. KNOX, Barrister at Law.		In the Goods of Lydia Matthias, Deceased.—(Will—List of trinkets to be made—Subsequent codicil) ..	630
Middlebrook v. Bromley.—(Unattested codicil—Election—Demurrer).....	614		
Re British Provident Life and Fire Insurance Society—Orpen's case.—(Company—Transfer of shares after call—Contributory—Registration, costs of—Creditor's representative).....	615		
VICE-CHANCELLOR STUART'S COURT.			
By T. F. MORSE, Barrister at Law.			
Carter v. The Great Eastern Railway Company.—(Railway company—Tenant in possession—Landowner—Notice to treat).....	618		

THE JURIST.

LONDON, JUNE 20, 1863.

IN our Parliamentary report will be found at length the speech made by the Lord Chancellor, on bringing into the House of Lords his bill for the revision of the statutes. The speech, however, goes far beyond that immediate object, being an exposition of the evils in our law resulting from the accumulation of reports and statutes, and bringing forward great and important projects for its amendment.

The Lord Chancellor proposes to make a digest of the present law, both common and statute; but, in order to understand his Lordship's views, we must give his own words. He says—"I use the word 'digest' advisedly, because your Lordships may frequently hear any procedure of this kind described as an approach to codification. Now, I am not at all disposed to disguise my own individual opinion, that it is to the form of a code that the law of any advanced nation ought ultimately to be reduced; but I am not at all prepared to say that the law of England is now in such a state that it may be codified with advantage and success, and for this reason, that a codification of law is the

last result which it attains when it has been perfected, and has reached its maturity. But if law is still in a transitory condition, it is not fit for that process. I regard the state of the English law as still transitory, because you have still in it the relics of barbarous times; you have still got that absurd division between the province of common law and the province of equity, not that distinction which is inherent in the nature of things between the written statute and the equity required for its just application, but two antagonistic systems; because, my Lords, you still have cases which would be decided one way on one side of Westminster Hall, and another way on the other side of Westminster Hall. Therefore, until you have got over that, and are in a condition to tell your statesmen and jurists that there is now but one rule in the law of England, and but one form of procedure, a rule is not known to be certain, and your procedure is likewise uncertain. Until you have attained to that, which the process of digestion will, I hope, facilitate, and of which it will be the introduction, you are not in a position to approach the formation of a code. Neither are you in a position to approach the framing of a code until you have got among the body of your lawyers that which is still wanting, viz. that precision of language—that accuracy of legislative construction.



tion and composition, which would be the means of framing acts of Parliaments and portions of your law with more simplicity, clearness, and exactness than at present characterise any of your attempts at legislation."

The whole of this proceeds on the assumption that all nations have their birth, growth, and manhood, both incipient and developed; and that in the last of these alone, codification of its laws, assumed to be among the greatest of all blessings, is practicable. If we carry the analogy farther, developed manhood will be followed by decay, and decay by dissolution. But we deny the proposition, that this state of growth, progress, and decay, is a necessary incident to all nations; and still more strongly do we protest against the assumption, that any particular nation is at any given moment—and especially that our own is, at the present moment—in the state approaching that manhood which is the sure forerunner of extinction. We hope for a better fate both for England and her laws.

The Lord Chancellor is entitled to the warmest thanks of the Profession and the public for his zeal in grappling with the evils of our existing system; and much of his plan will be universally hailed as a great improvement in our law. But, from some of his statements, we are compelled to record our dissent in the strongest terms, as unfounded in themselves, and calculated to mislead the Legislature. And here, at the outset, it is right to premise, that we have used no other report of his Lordship's speech than that found in *The Times* newspaper, which it is very possible may be incorrect or deficient in particular instances; and we say this without any disparagement to the reporter, for not only is it extremely difficult to report with precision a long speech on a subject so complicated, and in some parts so technical, as the present, but we are expressly told that the noble and learned lord "was occasionally quite inaudible in the gallery."

As to the actual state of the law, the Lord Chancellor, after bringing before the House the great inconveniences arising from the extreme number and bulk of our legal reports, which have been accumulating from the beginning of the fourteenth century to the present time, goes on to say:—

"Your Lordships have all repeatedly heard of 'the glorious uncertainty of the law.' It is the common opprobrium of our system, and has passed into a proverb, and the saying has taken its rise in the fact that no man can tell with certainty whether a particular case which he finds recorded, and which is supposed to govern the particular case in which he is interested, will or will not be followed by the judges."

But is this so? Lord Westbury's admiration of the Roman law is no secret; (see his Inaugural Address to the Juridical Society, in the papers of that body); still he may not be aware that to his favourite system the expression "glorious uncertainty of the law," has been applied as well as to the common law, and may have been so applied even earlier than it has been to the latter. In proof of this, see what the great historian Gibbon says in that chapter of his *Decline and Fall of the Roman Empire*, in which he gives his masterly account of the Roman Jurisprudence (vol. 8, p. 44):—

"Instead of a statue, cast in a simple mould by the hand of an artist, the works of Justinian represent a tessellated pavement of antique and costly, but too often of incoherent fragments. The *antinomies*, or contradictions of the Code and Pandects, still exercise the patience and subtilty of modern civilians. They are sometimes the cause, and often the excuse, of the glorious uncertainty of the CIVIL law. (Id. 50). . . .

The civil jurisprudence, as it was abridged by Justinian, still continued a mysterious science, and a profitable trade, and the innate perplexity of the study was involved in tenfold darkness by the private industry of the practitioners. The expense of the pursuit sometimes exceeded the value of the prize, and the fairest rights were abandoned by the poverty or prudence of the claimants. . . . The discretion of the judge is the first engine of tyranny; and the laws of a free people should foresee and determine every question that may probably arise in the exercise of power and the transactions of industry. But the government of Justinian united the evils of liberty and servitude; and the Romans were oppressed at the same time by the multiplicity of their laws and the arbitrary will of their master." (Id. 120).

The Lord Chancellor proceeds:—"But there is a further and a great peculiarity in the law of England, which is this:—By a legal fiction, it is supposed that the law contains within itself the materials for the decision of every case, however novel in its circumstances; and accordingly, when the judges have a new case before them, they do not profess to arrive at the law by reasoning, by theory, or by philosophical inquiry, but they profess to discover it by searching among the records of former decisions for cases which are supposed to be analogous to the case before them; and they derive from these analogies the rule which they desire for the determination of the particular case."

We must dissent from every part of this sentence. So far from what is here stated being a "peculiarity" in our system, we believe something of the kind may be found in most other systems. And the assertion, that when a new case arises, our judges dispose of it by reference *solely* to decided cases, is in express contradiction of the practice of our tribunals, and the authority of Lord Coke, who tells us (*Slade's case*, 4 Rep. 94 a.), "He who will have advantage of precedents, ought to search for them at his peril and for his speed; for, the Court will not search for them: for, if none, or no usual precedents are shewn, the Court ought to adjudge according to law and reason."

The Lord Chancellor then states his first proposal:—"The first thing to be done with these reports is to revise and to expurgate them, to weed them of decisions that are in contradiction with one another; where there are opposing decisions, to settle those which ought to remain; to cleanse out and to get rid of all matters that are not warranted by the present state of the law; and to divide the reports into three classes. The first class would include all the old reports to the end of the seventeenth century; the second would include the reports of the eighteenth century to the death of George III; and the third would include the reports to the present time. I trust I may be successful in obtaining a commission that may be directed for the purpose of accomplishing these objects. . . . The result will be a body of recorded precedents brought into a moderate compass, and occupying, we may estimate, but a tenth of the bulk of the present reports."

We must defer to a future occasion the consideration of the rest of this important discourse.

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this society took place at its rooms, 3, Waterloo-place, Pall-mall, on Monday, the 8th June, Lord Brongham in the chair. Dr. Waddilove read a paper on "The Sale of Benefices in connexion with the Augmentation of Benefices Bill now before Parliament." Mr. Edgar read a paper, contributed by Mr. J. B. Phear, on "The Costs of Actions in the Superior Courts."

## Imperial Parliament.

HOUSE OF LORDS.—Friday, June 12.

## REVISION OF THE STATUTE LAW.

The Lord Chancellor, who had given notice of his intention to call the attention of the House to the present state of the statute law, and of the reports of decisions in the courts of law and equity, and to introduce a bill for the revision of the statute law, said—I rise to make a statement with reference to the revision and expurgation of the statute law, from the earliest commencement of our legislation down to the beginning of the seventeenth century; the legislation, in fact, of about 500 years. Before I explain the provisions of my bill, I would ask your Lordships to favour me with your patient and indulgent attention, while I offer some observations on the present state and condition of the statute and common laws. I will endeavour to speak in plain and simple language, avoiding the ordinary reproach to the lawyer, that his words are taken from the vocabulary of his art. I would solicit the attention of all your Lordships as statesmen rather than as lawyers, as if none of your Lordships rejoiced in the conventional title of "learned," because I feel convinced that the subject of the amendment of the law has suffered greatly from the circumstance that it has been generally felt that the subject belongs to the lawyer class exclusively. A great philosopher, who was also a great lawyer, has said, "*Jurisperiti tanquam e vinculis sermocinantur.*" He says that lawyers, when speaking of legislation, discourse in chains and shackles; because there is a limited horizon within which their views are bounded by reason of their having been so long familiar with a particular branch of subjects. But the same great author, Lord Bacon, says, of the knowledge and handling of these subjects, "*Certe cognitio ista ad viros civiles proprie spectat,*" adding, in language which I am happy to say is applicable to your Lordships, "*Qui optime norunt quid ferat societas humana, quid salus populi, quid sequitas naturalis, quid gentium mores, quid rerumpublicarum forme diverse, ideoque possint de legibus, ex principiis et præceptis tam æquitatis naturalis quam politici decernere.*" Your Lordships are aware that the laws are divided into written and unwritten law. The written is the statute law, and the decisions of the judges constitute the unwritten law of the land. The statute law is in a great measure supplemental to the common law, and a knowledge of the common is necessary in order to enable a man to read and understand the statute law. The common law is only traditional—it is supposed to reside in the breasts of the judges; and, accordingly, when it is necessary to ascertain it in this House, your Lordships require the attendance of the judges, who are called upon to declare what that law is. In like manner, in the great court of equity, to which belongs that large portion of natural justice which is repudiated by the common law, the judges have the power of determining what constitutes the rudiments of that law. This is, undoubtedly, a dangerous and a difficult trust. It is little less than legislative power, because the sources of common law are of the most varied character. It is probably derived in a great measure from customs and usages, recorded only in the memory of man; it is partly derived, no doubt, from old rules embodied in acts, of which no record now exists; it is partly made up of relics of the old Roman jurisprudence which remained so long throughout the land; and it is partly the result of customs and maxims handed down from one generation to another. The sources were so varied in ancient times that the custom of declaring the law also varied. In the old time it was impossible to know what the law was. The judges were not only legislators, but the worst of legislators—legislators *ex post facto*. Accordingly, at an early period, it became necessary for the protection of liberty, in order to get some kind of approach to uniformity, constancy, and regularity in the law, that the grounds and reasons of the judges' decisions should be given. At first an attempt was made to do so by entering the reasons for the judgments in the rolls of the court; and our court rolls, preserved from the time of Richard I, contain repeatedly the reasons for the decisions and sentences. At the latter end of the reign of Edward II, or in the beginning of the reign of Edward III, the practice of reporting the decisions of the judges began; and from that period down we have a series of judicial reports of those decisions. My Lords, that was a great security for the people, because it was an approach to certainty

in the law. The origin and reason of it was a distinctive peculiarity in the English mind, namely, the love of precedent—a love of appealing to precedent rather than indulging in abstract reasoning. This was the only mode in which the law was recorded, and the only mode in which it became known. These reports were kept for a considerable period of time under the superintendence of the judges themselves, and great care was taken in sifting and ascertaining the grounds of the decision. The evil was, therefore, comparatively little; but in course of time, as the reports multiplied, and as the personal superintendence and care of the judges were withdrawn, great complaints began to arise; and so much inconvenience was felt, that as early as the time of Lord Bacon it became a subject of general dissatisfaction, which attracted his attention, and led to his compiling and publishing his celebrated book for the amendment of the law of England. I must admit—and perhaps, in stating this, I shall best recommend myself to your Lordships—that what I propose will do little, if anything at all, more than revive the proposal of that great man. The wisdom and excellence of that proposal has been admitted from age to age; and the fact, that nothing has been done to give effect to it, we must attribute to the singular inertia that characterised the English Legislature. Lord Bacon himself says:—

"The common law of England is no text law; but the substance of it consisted in the series and succession of judicial acts which from time to time have been set down in the reports, so that, as these reports are more or less perfect, the law itself is more or less certain, and, indeed, better or worse; whereupon a conclusion may be made, that it is hardly possible to confer upon this kingdom a greater benefit than that these books should be purged and revised, whereby they may be reduced to fewer volumes and clearer resolutions."

In the time of Lord Bacon these reports extended to about 60 or 70 volumes. During the 250 years that have passed since then, nothing has been done in the way of revision or expurgation; but these 60 or 70 volumes have grown to between 1100 and 1200 volumes. Nay, more, at this time there are at least 50 or 60 sets of reports pouring their streams into the immense reservoir of law, and creating what can hardly be described, but may be denominated a great chaos of judicial legislation. The evil arising from this is manifest. It was described by King James I in two speeches in 1607 and 1609, which go far to constitute his claim to the title of a wise king. Speaking at Whitehall in March, 1607, he said:—

"Where there is variety and uncertainty, although a just judge may do rightly, yet an ill judge may take advantage to do wrong, and then are all honest men that succeed him tied in a manner to his unjust and partial conclusions. Wherefore leave not the law to the pleasure of the judge. It were less hurt, that all the approved cases were set down, and allowed by Parliament, for standing laws in all time to come."

And again, in 1609, he refers to the subject in these words:—

"Though it be true that no text of law can be so certain, wherein the circumstances will not make a variation in the case, &c., yet could I wish that some more certainty were set down in this case by Parliament; for since the very reports themselves are not always so binding, but that divers times judges do disclaim them, and recede from the judgment of their predecessors, it were good that, upon a mature deliberation, the exposition of the law were set down by act of Parliament, and such reports therein confirmed as were thought fit to serve for law in all times hereafter, and so the people should not depend upon the bare opinions of judges and uncertain reports."

Now, if that difficulty were felt then, and I think justly felt, your Lordships will at once understand how infinitely greater are the difficulty and the evil existing at the present time. If you will indulge me with your attention for a few moments, I will describe the exact value, authority, and weight which reported decisions—that is to say, precedents—have in the schools of English law, and the exact manner in which their authority is sometimes admitted to almost an extravagant extent, and at other times denied, in courts of justice. The law on the subject may be explained in very few words, both with regard to the authority of decisions in particular cases resembling them, and their authority for the

purpose of determining new cases when they arise. Lord Coke says, "Our book-cases are the best proofs of what the law is." Chief Justice Best says, "The judgments of the Courts of Westminster Hall are the only authority that we have for by far the greater part of the law of England." Chief Justice Tindal, an honoured name, in a very recent case in this House, said, "Decisions of the courts of common law are at once the best expositors and the surest evidence of the common law itself." The doctrine of Mr. Justice Blackstone is, that precedents and rules must be followed, unless they are flatly absurd and unjust. Lord Wensleydale says, "In our system of judicature we are bound by precedents, and by the authority of previous cases, unless they are plainly and manifestly founded on erroneous principles." Now, I beg the House to observe the enormous contradiction which is contained in these enunciations and principles, particularly when those principles depend upon the rule being extracted from such an infinite number of varying and discordant cases. The rule of the great commentator is, that a precedent may be rejected when it is absurd and unjust. The rule of Lord Wensleydale is, that precedents must be followed, unless they are plainly founded on erroneous principles. The result, therefore, is, that each succeeding judge has it in his power to determine what is absurd, what is unjust, what is the measure of unjust principles. Now, this is not the only evil inherent in the present system, for there is another necessarily inherent in that system, and it is this—in the language of Lord Bacon—that the unlearned age governs the more learned, because you take your rule as it is laid down in an early and undeveloped stage of society, and you are compelled to abide by that rule, if, for instance, it has regulated the disposition of property, until the Legislature intervenes to rescue the law from the necessity of following that which is often unreasonable and absurd. But the contradiction and anomaly do not end there; and I will venture to render this plain to your Lordships by citing one or two instances of the manner in which decided cases are occasionally dealt with by courts of justice. Your Lordships have all repeatedly heard of "the glorious uncertainty of the law." It is the common opprobrium of our system, and has passed into a proverb, and the saying has taken its rise in the fact that no man can tell with certainty whether a particular case which he finds recorded, and which is supposed to govern the particular case in which he is interested, will or will not be followed by the judges. Now, let me justify these words by some examples which I have taken without much research, because they came immediately to hand. Others more striking, I dare say, might easily be found. The Court of Queen's Bench, in 1801, when it was constituted of judges of great reputation, speaking of a single case which had been decided by the same Court only three years before, disapproved it, and yet considered the case before them as concluded by its authority, and that the matter having passed in *rem judicatum*, the merits could not now be entered into. On another occasion Lord Ellenborough said, "With a decided case exactly in point, it would be extraordinary if we were to apply a different rule of construction, although, if it were to be decided now for the first time, I should not think that decision right." In many instances the language is, "It is better *stare decisis*; the very case has already been determined." Lord Eldon says, "Where there is a decision precisely in point it is better to follow it." In a multitude of cases the authority of a single case, though not fully approved, has governed judicial decisions. The language used is, "although, if the matter were *res integra*, it might admit of difficulty;" or, "although the doctrine is not founded on good sense," or "not bottomed in reason," or, "although the Court cannot approve or cannot understand the reasons," yet the authority of the case must be followed; and courts no longer reason on the rule, but adhere to it. On the other hand, a single case is frequently overruled, although it is declared that "no case can be entitled to more respect," or that it is a case to which "the Court looks with great respect," or that it is "a deliberate judgment," because the Court cannot conceive the principles upon which the decision is founded. Sometimes the Court says of a decided case, that it stands altogether by itself, and sometimes the antecedent decision is tossed aside in a rude manner, as where Lord Ellenborough says, "The case, as referred to, has had its day, and it is time it should cease." These things are not to be lightly regarded, because your Lordships

will be kind enough to remember what is the position of the lawyer who is called upon for his opinion. A case is laid by a client before his adviser. The latter searches in his books of precedents. He finds that a particular case had been decided which he thinks will govern the one submitted to him, and he gives his opinion accordingly. Then he goes into court, and finds to his astonishment that the case may be treated either for or against his client in the manner I have described; the result being, that it is impossible to predicate with any degree of satisfaction or of certainty beforehand what will be the issue of the case. Now, is that a condition in which the law of the land should stand? Is this a condition in which what is denominated a science should be permitted to remain? But there is a further and a great peculiarity in the law of England, which is this:—By a legal fiction it is supposed that the law contains within itself the materials for the decision of every case, however novel in its circumstances; and accordingly, when the judges have a new case before them, they do not profess to arrive at the law by reasoning, by theory, or by philosophical inquiry, but they profess to discover it by searching among the records of former decisions for cases which are supposed to be analogous to the case before them; and they derive from these analogies the rule which they desire for the determination of the particular case. I will refer your Lordships to the words of two of our most eminent judges explanatory of the mode of reason adopted by them for the determination of new cases. It was described by Chief Justice Tindal, in an elaborate case which occurred in your Lordships' House, where the circumstances were new, and the relation had not previously existed, and accordingly where new principles and modes of interpretation had to be discovered. On that occasion he said:—

"I think it a safer course on this occasion, as I find has been the opinion of other judges from the earliest period of the law, to adhere to any rule that can be inferred from the cases rather than to institute another, although another rule may appear upon general principles more reasonable and just."

No doubt, Chief Justice Tindal spoke in the spirit of the law in which he was educated, and which he was bound to administer. But I leave it to your Lordships to consider whether it be advisable to continue to grope among the records of ancient cases until you find something similar, and to adopt new rules, not existing rules, be it observed, but new rules that can be inferred from old cases, although other rules would be warranted by right and reason. Lord Wensleydale followed the Chief Justice, and he described the mode of procedure in new cases in these words:—

"This case, therefore, is, in some sense, new, as many others are which continually occur, but we have no right to consider it, because it is new, as one for which the law has not provided at all; or, because it has not yet been decided—to decide it for ourselves according to our own judgment of what is just and expedient. Our common-law system consists in applying to new combinations of circumstances those rules of law which we derive from legal principles and judicial precedents; and, for the sake of attaining uniformity, consistency, and certainty, we must apply those rules, when they are not plainly unreasonable and inconvenient, to all cases which arise."

We are, therefore, led, whenever society gives birth to new combinations of circumstances, to the duty and obligation of finding the rules which are applicable from such analogy as can be drawn from previous decided cases. Let your Lordships bear in mind the huge bulk of these 1100 volumes, and observe what an impossible, what an uncertain task it must be to find out from the chaos the materials for decisions on new cases. It is impossible to tell beforehand what may be the decision. But a judicial opinion is also a legislative enactment. It decides a particular case, and it sets a precedent for all future cases. Therefore, the judges become legislators—legislators *ex arbitrio*, and, with this vast variety of material from which to select, what an impossibility for any one to ascertain beforehand the nature of the decision that will be come to. This is no idle statement nor exaggerated picture. Let me bring it home to all your Lordships' recollections by a simple narrative of what occurred the other day. Your Lordships remember when the railway mania was rife numerous companies were formed. Each company was initiated or formed by a provisional com-

mitter, who were appointed to take the necessary steps to bring the scheme into practical operation. Liabilities were incurred to a large extent, services were performed, goods were ordered, lawyers and surveyors were employed, and the liabilities of these committees were very serious. Many persons who had merely lent their names because they had been solicited to do so, found that actions were brought against them, although they had not participated in the acts which led to the debt for which they were sued. It was a new case, and the question arose how was it to be dealt with. For years it was held that the only analogy to this system was that of partnership, and, therefore, as a provisional committee most resembled a partnership, all the rules applicable to partnership were applied to these provisional committees. As we know, one partner is the agent of, and may bind another partner in all matters relating to the partnership; consequently it was held that the provisional committees who concurred in giving orders did by those acts bind other committeemen who knew nothing of the transaction. The result was, that hundreds were ruined. The liabilities thus created were of enormous extent, and many persons were obliged to leave the country, but at last it occurred to an eminent judge, a member of your Lordships' House, to question the analogy, and then it turned out that there was nothing of legal resemblance between a provisional committee and a partnership. Then happened that which is continually occurring in this country. There was a flow of the tide one way, to be succeeded by a revulsion another way, and the reflux wave consequent upon the alteration of the judicial decision in its turn brought ruin to many who had trusted to the former exposition of the law. That is an example of the evil consequences of men being left without rudder, without light, without compass or chart, in traversing the immense sea of judicial precedent whenever a new combination of circumstances arises. But those among your Lordships who are thoroughly conversant with the subject—and they are many—will perceive the gross logical error committed by lawyers in the use they make of the word "analogy." In the vocabulary of lawyers, "analogy" means nothing but resemblance, and accordingly, their argument is something like this—"My Lord, this case is like the case of A. against B." To which the other side replies, "No, it is more like the case of C. against D." It has been properly said that the pleading of lawyers is nothing but a competition of falsely styled analogies. All this arises because the materials for competition and argument are of that loose, indefinite, and uncertain character which I have described. But even that is not the full extent of the evil. It is not merely that the materials are of this vast indefinite extent, it is not merely because the application to them is so uncertain, it is not because they are sometimes weighed in one scale and sometimes in another, but there exists in English law a defect which will surprise your Lordships to know. It is competent to counsel when arguing a case to produce to the judge a mere manuscript decision, something that has never been printed nor published, and which no one has ever heard of before. He produces it from his pocket-book, or the judge produces it from his pocket-book, and that is the law of England. So, when a case has been considered and matured for decision, proceeding upon what is printed and known to all, suddenly there springs up some manuscript authority, and all former reasons are entirely subverted, and the judge yields to the force of what has been just put forward. One remarkable decision of a very eminent judge, who had arrived at a carefully considered opinion, dictated by principle and by facts, was suddenly overborne by a manuscript note of a case previously decided, which will be found reported in 18 Vesey's Reports. Surely no one thinks that the law of England ought to remain in the state which I have described. In what way, then, is the change to be made? To those who like precedents, I can refer to the precedent of Lord Bacon, on the proposal to amend the laws of England, who describes exactly the work which it is my hope I shall be enabled to be the means of instituting, and which it will be the fortune of those who succeed me to continue. The first thing to be done with these reports is to revise and to expurgate them, to weed them of decisions that are in contradiction with one another; where there are opposing decisions, to settle those which ought to remain; to cleanse out and to get rid of all matters that are not warranted by the present state of the

law, and to divide the reports into three classes. The first class would include all the old reports to the end of the seventeenth century; the second would include the reports of the eighteenth century to the death of George III; and the third would include the reports to the present time. I trust I may be successful in obtaining a commission that may be directed for the purpose of accomplishing these objects. As to the old reports, I propose that we should preserve the conclusions properly come to; that in the second period we should weed the reports of what is useless, and retain only those cases which are fit to be used as precedents; and to perform a similar work in respect of cases of the present time. The result will be, a body of recorded precedents brought into a moderate compass, and occupying, we may estimate, but a tenth of the bulk of the present reports. The law thus purified and refined, the grounds of contradiction, if not entirely removed, will be materially reduced, and a much more satisfactory state of things will be the result. Such is the present state of the common law. I now turn for a few moments to the corresponding state of the statute law, for there is a remarkable similarity between them. The statute law is contained in forty-three or forty-four thick quarto volumes, commencing with the 20th of Henry III. They are printed without the least regard to order; there is no system or arrangement in regard to them. They are printed just as they had been passed chronologically. There is, of course, great variety of subject, enactments on the same subject being dispersed and scattered over an immense extent of ground. Unfortunately, our legislation has been extempore. We wait till a grievance is intolerable, and then we apply ourselves to a remedy. Our legislation has always been on the spur of the moment; nay, more, it unfortunately happens that the manner in which the legislation is conducted contributes more than anything else to the evils so palpably on the surface of the statute-book. You have no persons to assist you who are trained or educated in the great work of legislative composition. But legislative composition is one of the most difficult things that can be conceived. When you address yourselves to a new statute, after having considered the manner in which it has been brought in, it is subjected to the process of committee, and it constantly happens that things are grafted upon a statute, under misconception, at variance altogether from the original conception of the framer. There are patches constantly put on the old garment. You provide for the emergency, but you pay not the least regard to the question whether the piece you put in the old garment suits it or not. Such being the mode of your legislation, it would be utterly impossible that your statute-book should be other than it is—a mass of enactments and of statutes which are in a great degree discordant and irreconcilable. Hence the utter impossibility frequently of arriving at a consistent interpretation. This, then, being the state of the law and of the statute-book, what I propose is the course dictated by natural good sense, that it shall be revised and expurgated—weeding away all those enactments that are no longer in force, and arranging and classifying what is left under proper heads, bringing the dispersed statutes together, eliminating jarring and discordant enactments, and thus getting a harmonious whole, instead of having, as at present, a chaos of inconsistent and contradictory enactments. With that view, we have, with considerable care, and, I am sorry to say, after a longer period of time than I had desired, examined the whole of the statute roll from the 20 Henry III down to the end of the eighteenth century. [So we understood the noble and learned Lord, who occasionally was quite inaudible in the gallery.] The statutes that are weeded out may be described as those which are no longer applicable to the modern state of society—enactments which have become wholly obsolete—enactments which have been repealed by obscure and indirect processes, which is one of the evils with which we have to contend, because it perpetually happens that a particular enactment is, in effect, repealed without its being said so by the indirect process of another general law. Sometimes it is repealed by the introduction of another inconsistent rule; and while these things prevail, until they are extirpated from the statute-book, they are constantly the cause of uncertainty. I may just bring to your recollection how common it is in a modern act of Parliament to say, "All former enactments inconsistent with this act are hereby repealed." Or you repeal so much of an act as relates to such and such a matter. It is

often extremely difficult to determine what is included in the words "relating to." We have endeavoured to apply a remedy to this state of things. The task was one of great difficulty and delicacy. The reason for every alteration will be found in the schedule given opposite to the description of the enactment to which it applies. This was done in order that this work might be accomplished with something like that certainty and assurance of safety with which work of this kind ought always to be gone into. You should be perfectly satisfied of the accuracy of the conclusion, that the particular enactment which is supposed to be swept away comes within the general clause of expired, obsolete, inconsistent, or repealed enactments. In carrying out this plan, of course it becomes most desirable to preserve intact all those ancient monuments of our legislation connected with our political rights and institutions, on which no man should lay his unhallowed hands. Those statutes, which may be considered to have become stones in the edifice of the Constitution, are preserved wholly intact; and no enactment or statute is touched that may be considered to have entered into the common law, or formed the foundation of any rule of practice or procedure, or may be referred to as the basis on which the right or title of property is made to rest. Such a work required great care and circumspection, so that in the process of excision no existing right should be impaired. When this is done, when the statute-book has been cleared of superfluous and unnecessary matter, I hope to propose that another process be gone through to which the previous observance is merely introductory. The enactments spread throughout the statute-book relating to different subjects must be brought together in a collected form. I should, propose, therefore, to have a systematic classification of the subject-matter of your legislation, preserving, however, the order of time, because the order of time in regard to enactments is most material for the proper understanding of the law, but arranging the different portions of the statute-book under appropriate heads, so as to present an accurate and methodical analysis of the law comprised under each head. And I hope, concurrently with this, that the corresponding parts of the common law extracted from the reports may be added, so that in that shape you may have a digest of the present law, both common and statute. I use the word "digest" advisedly, because your Lordships may frequently hear any procedure of this kind described as an approach to codification. Now, I am not at all disposed to disguise my own individual opinion, that it is to the form of a code that the law of any advanced nation ought ultimately to be reduced; but I am not at all prepared to say that the law of England is now in such a state that it may be codified with advantage and success, and for this reason, that a codification of law is the last result which it attains when it has been perfected and has reached its maturity. But if law is still in a transitory condition it is not fit for that process. I regard the state of the English law as still transitory, because you have still in it the relics of barbarous times; you have still got that absurd division between the province of common law and the province of equity, not that distinction which is inherent in the nature of things between the written statute and the equity required for its just application, but two antagonistic systems; because, my Lords, you still have cases which would be decided one way on one side of Westminster Hall, and another way on the other side of Westminster Hall. Therefore, until you have got over that, and are in a condition to tell your statesmen and jurists that there is now but one rule in the law of England, and but one form of procedure, a rule is not known to be certain, and your procedure is likewise uncertain. Until you have attained to that, which the process of digestion will, I hope, facilitate, and of which it will be the introduction, you are not in a position to approach the formation of a code. Neither are you in a position to approach the framing of a code until you have got among the body of your lawyers that which is still wanting, viz. that precision of language—that accuracy of legislative construction and composition, which would be the means of framing acts of Parliaments and portions of your law with more simplicity, clearness, and exactness than at present characterise any of your attempts at legislation. It is remarkable, that the original proposal made in the reign of Edward VI, with regard to the improvement of our statute law, is thus recorded by Bishop Burnett in his *History of the Reformation*, vol. II. Speaking of a plan for

the amendment of the law, sent up by the Commons to the Lords in 1549, he says:—

"It was proposed that the common and statute laws should be, in imitation of the Roman laws, digested into a body under titles and heads, and put in good Latin. But this was too great a design to be set on foot or finished under an infant king."

The subject of the consolidation and expurgation of the statutes of this country was also brought forward again and again in the reign of Queen Elizabeth. Sir Nicholas Bacon proposed, in a few words, that "the acts should be digested into titles," and expressed the same thing as I have, in a greater number of words, described as the systematic classification of enactments according to their subjects. Lord Bacon, in his last address to King James, uses his attempts in this direction as an argument for the mitigation of his punishment. In 1650 a committee was appointed by Parliament "to revise all former statutes and ordinances now in force, and consider as well which are fit to be continued, altered, or repealed, and how the same may be reduced into a compendious way and exact method." The same thing was repeated in 1653, when a committee was appointed "to consider of a new model or body of the law;" but the most definite resolution was that which was passed by your Lordships' House in 1816, in which, after conference with the other House of Parliament, your Lordships embodied your opinion of what was necessary, with regard to the statute law, in the following words:—

"That from the present state of the statute law of this realm, it is highly expedient that effectual measures should be taken to arrange the matters contained in the statutes of the United Kingdom of Great Britain and Ireland, and in the statutes passed in the separate Parliaments of England, Scotland, and Ireland respectively, under distinct and proper heads."

That resolution, I am sorry to say, has not been acted upon. It stands upon record as a monument of what this House, after deliberation and consultation with the other House, determined ought to be done in this matter. Undoubtedly this task requires a great deal more labour than the weak force placed at my disposal under the grant made by Parliament could accomplish. But, my Lords, the work that has been done has been the work of several years; yet you will not be surprised at that period having been occupied by it, when I tell you that the services of two gentlemen only are at the command of the Lord Chancellor and the law officers of the Crown, and those two gentlemen receive such inadequate salaries, that they are enabled to give up only such hours to this employment as they can abstract from their ordinary professional avocations. I hope and trust, that in the debates on this measure it will be the opinion of the Houses that this proposal ought, both with respect to the common and the statute law, to be prosecuted with effect. If it be prosecuted with effect, I should hope that the process of revision and expurgation will not take much more than another year, and then the arrangement and classification of the different subjects of our enactments may be proceeded with. In that way we may expect to have the body of our statutes relieved from the chaotic state of disorder in which it now stands. I trust, my Lords, that the commission will also direct its inquiries into another important point, because it is of no use to reduce, expurgate, methodise, and arrange that which exists, unless we have a means of preventing the recurrence of the evils which now exist. If your Lordships should confirm that view, I shall undoubtedly at some future time ask you to give me a committee for the purpose of ascertaining what is the best mode by which the future legislation of this country may be conducted, so as to secure an improved form in the composition of bills. When the task of expurgating and classifying the statutes has been completed, it will still be necessary to adopt some system for revising the enormous amount of accumulated decisions, so as to check the uncertainty and confusion they introduce into the law. For, observe the manner in which error grows up in the law. A case is decided, say by a Vice-Chancellor or by one of the courts at Westminster. The decision may be bad, but one of the parties to the litigation may not have the means of appealing against it, and so it is not corrected by a higher court. Then this bad law is recorded in the reports, and passes unnoted for three or four years. It is then cited as a precedent before another

judge. That other judge says, "I find that Mr. Justice A.B., or Mr. Vice-Chancellor C. D. decided a case, from which the case now before me cannot be distinguished;" and thus a bad precedent is accepted and confirmed. The thing, therefore, becomes inveterate, and bad law is established, there being in our system no agency at all to exercise that which ought to be exercised, viz. an annual revision of the reported cases, with power to determine what is to be regarded as entitled to authority, and what ought not to be quoted hereafter for the purpose of determining the law. All this might be accomplished by what is called the institution of a Department of Justice. At all events, there ought to be some mode and power of revising these reports from time to time, as long as you adhere to the practice of making them guides for judicial decisions. I could say much more on this difficult and important subject, but I am afraid I have already trespassed too long upon the time of your Lordships. I trust I have not given any exaggerated or distorted account of the evils which require to be remedied. In the works of our best and most philosophical jurists those evils are forcibly depicted as matters loudly calling for legislative interference. It is with the utmost confidence that I submit the Bill which I now hold in my hand to your Lordships, and I earnestly hope that you will not allow this attempt to deal with a question of paramount importance to be added to the failures of 1816 and other years.

Lord Brougham, Lord Cranworth, and Lord Kingsdown addressed the House, and the Lord Chancellor having made some observations in reply, the bill was read a first time.

#### HOUSE OF COMMONS.—Monday, June 15.

The Innkeepers' Liability Bill was read a third time, and passed.

Wednesday, June 17.

Lord Raynham obtained leave to bring in a bill for the protection of young persons under the age of sixteen years, engaged as domestic servants, and apprentices.

Also a bill to regulate corporal punishment in schools and elsewhere.

#### Court Papers.

#### EQUITY CAUSE LISTS, AFTER TRINITY TERM, 1863.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—Cl. Claim—C. Costs—D. Denurser—E. Exceptions—F. C. Further Consideration—F. D. Further Directions—M. Motion—M. D. Motion for Decree—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Rehearing—Sp. C. Special Case—S. O. Stand Over—Sh. Short.

Before the LORD CHANCELLOR and the LORDS JUSTICES.

##### APPEALS.

Edmunds v. Waugh } (K.,  
Edmunds v. Waugh } Feb.  
Edmunds v. Binstead } 24)  
Harding v. Martin (S., May 7,  
part heard) L. C.  
Nicklason v. Cockill (K.,  
May 7) L. C.  
Wyllie v. Poffen (S., May 7)  
L. C.  
Sisson v. Giffes (S., May 8)  
L. C.  
Norris v. Jackson (S., May 8)  
L. C.  
Neal v. Bunting (S., June 2)

Greenwood v. Greenwood (K.,  
June 3)  
Wells v. Maxwell (R., June 5)  
Pearson v. Rio de Janeiro  
City Improvements Co. (Li-  
mited) (S., June 8)  
Howells v. Jenkins (W., June  
9)  
Lodge v. Pritchard and 8 other  
causes (S., June 10)  
Evans v. Evans (K., June 15)  
In re Le Geyt  
Nozotti v. Jefferson (S., June  
15)  
Baxendale v. West Midland  
Railway Co. (M D) L. C.

Before the Right Hon. the MASTER OF THE ROLLS.

##### CAUSES, &c.

Pinney v. Sir William Mar-  
shall, Bart. (M D)

Lewis v. Evans (F C, Sum-  
mons to vary)

Hogg v. Cook (F C)  
Maxwell v. Wilson (F C)  
Yearsley v. Yearsley (F C)  
Higgs v. Ramage (M D)  
Whale v. Griffiths (M D)  
Dixie v. Wright (M D)  
Bury v. Bedford } (M D)  
Bury v. Bedford }  
Att.-Gen. v. Johnson (M D)  
Cotton v. Company of Pro-  
prietors of the Birmingham  
Canal Navigation (M D)  
Greenhill v. Smith (M D)  
D'Eyncourt v. Lord Downe  
(M D)  
Lloyd v. Pearson (M D)  
Cood v. Cood (M D)  
Mills v. Minton (M D)  
Robinson v. Shepherd (M D)  
Isenberg v. East India House  
Estate Co. (Limited) (M D)  
June 24

Lane v. Swatman (Cause)

June 23

In re Poole } (F C)  
Stevenson v. Wilton }  
Richards v. Browning (M D)  
Reynolds v. Matthews (Cau.)  
Ingram v. Morecroft (Cause)  
D'Eyncourt v. Gregory (F C)  
Sidebottom v. Hurst (F C)  
Adsetts v. Hives (M D)  
In re Bibby } (F C)  
Bibby v. Thompson }  
Hardwick v. Shaw (M D)  
Burchett v. Burchett (M D)  
Whipps v. Remnant (M D)  
Poyser v. Curzon (M D)  
Drakeford v. Drakeford (F C,  
Ptn)

Kingsford v. Gardner (F C)  
Harvey v. Harvey (M D)  
Wade v. Wade (M D)  
Scott v. Scott (M D)  
Chapman v. Bradley (M D)  
Hors v. Hors (M D)  
Maning v. Jackson (M D)  
Stevenson v. Jackson (M D)  
Thompson v. Boyer (Cause)  
Hurst v. Livesley (Sp C)  
Home v. Patrick (Cause)  
Home v. Peirse (Cause)  
European Assurance Society  
v. Piddocks (Cause)  
Jackson v. Addis (M D)  
Bousfield v. Hodges (Cause)  
Brown v. Kennedy (M D)  
Pattison v. Courtenay (Cause)  
Collishaw v. Jones (F C)  
Harvey v. Lee (M D)  
Sutcliffe v. Appleyard (M D)  
Sinkins v. Langford (F C)  
Dew v. Nicholson (M D)  
M'Bride v. Prickett (M D)  
Sexton v. Sexton (M D)  
Ooddeen v. Oakeley (F C,  
Summons to vary)  
Edwards v. Broughton (Sp C)  
Boyd v. Radcliffe (M D)  
Walton v. Semple (F C)  
Middleton v. Chichester (M  
D)  
Seton v. Sullivan (M D)  
Hodgson v. Moody (F C)  
Jones v. Dangerfield } (F  
Palmer v. Dangerfield } C)  
Stace v. Ede (F C)  
Verrall v. Cooper (Sp C)  
India Freehold Land, &c. As-  
sociation (Limited) v. Las-  
celles (M D) June 22

Boyd v. Robinson (F C)  
Williams v. Allen (F C)  
Barnes v. Bond } (F C)  
Bond v. Barnes }  
Williamson v. Cooper (M D)  
Mottley v. Mottley (F C)  
Scales v. Scales (M D)  
In re Abbot } (F C, adj.  
Abbot v. Abbot } from ch.)  
Snelling v. Hoppe (M D)  
Williams v. Williams (M D)  
Bowen v. Property (Cause)  
Hearn v. Caffary (M D)  
Fitzroy v. Dufton (M D)  
Hennessey v. Bray (M D)  
Wallis v. Morris (M D)  
Parton v. Parton (M D)  
Evans v. Oliver (M D)  
Semple v. Holland (Cause)  
White v. Young (M D)  
Carter v. Liebenrood (F C)  
Holmes v. Dickson (Cause)  
Lusignan v. Pomfret (M D)  
Cotesworth v. Sandwith (M  
D)  
In re Barnes } (F C, adj.  
Watts v. Barnes } from ch.)  
Ormerod v. Rostron (F C)  
Perrin v. Lush (F C)  
Tuckey v. Henderson (F C)  
Williams v. Jones (F C)  
Gataves v. Flather (M D)  
Davis v. Hill (M D)  
Cousen v. Ellis (F C)  
Pare v. Bracher (M D)  
Rhodes v. Muswell Hill Land  
Co. (Limited) (F C)  
Wright v. Hobley (M D)  
Burrell v. Edmonds (M D)  
Annis v. Witt (Cause)  
Lloyd v. Pearson (M D)  
Gilbert v. Green (M D)  
Austin v. Austin (M D)  
Burch v. Beecham (M D)  
Llewellyn v. Probert (F C)  
Muskett v. Hyton (F C)  
In re Eaton } (F C, adj.  
Eaton v. Wilkins } from ch.)  
Ripley v. Scott (Cause)  
Peacock v. Wiseman (Cause)  
Paske v. Haselfoot (F C)  
Churchill v. Shepard (Sp C)  
Lucas v. Clarke (M D)  
Pare v. Clegg (F C, M to vary)  
Selby v. Walker (Cause)  
Froude v. Warre (M D)  
Dally v. Wouham (M D)  
Cousen v. Thorpe (M D)  
Flaher v. Brierley (F C)  
Marter v. Marter (M D)  
Jackson v. Brown (F C)  
Sykes v. Sheard (M D)  
Blount v. Barnett (F C)  
Bashford v. Cann (M D)  
Holman v. Holman (F C)  
Maxted v. Hammons (F C)  
Robertson v. Walker (F C)  
Stevenson v. Abington (F C)  
Att.-Gen. v. Dangars (M D)  
In re Ward } (F C, adj.  
Castle v. Warland } from ch.)  
Cave v. Cave (M D)  
Broad v. Selfs (Cause)  
Robertson v. Morgan (F C)  
Chapman v. Fearon (M D)  
Salmon v. Dunn (F C)  
Izod v. Izod (Rehearing)  
Mansel v. Turner (M D)  
Hobler v. Barstow (F C)  
Izod v. Izod (M D).



*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

## CAUSES, &amp;c.

Shrubsole v. Schnieder (M D, part heard)  
 Schnieder v. Shrubsole (M D, part heard)  
 Hewitt v. Hewitt (Pl)  
 Penfold v. Kelly (M D, Ptn)  
 Williams v. Williams (M D)  
 Thomas v. Cross (M D)  
 Hurrell v. Honey (M D)  
 In re Snaith } (F C)  
 Snaith v. Snaith }  
 Lambe v. Orton } (Rehear-  
 Lambe v. Orton } ing)  
 Lambe v. Tibbitts }  
 Buckridge v. Whalley (F C)  
 Jenner v. Sir J. Morris, Bart., (F C, Ptn, in Jenner v. Morris and Webster v. Jenner)  
 Milnes v. Aked and 2 other causes (F C)  
 Cox v. Stephens (Cause)  
 Harley v. Lewis (Cause)  
 Robertson v. Jones (M D)  
 De Broc v. Dawson (F C)  
 Little v. Buckle (Sp C)

Rolfe v. Gregory (M D)  
 Cadle v. Woollett (F C)  
 Pilkington v. Myers (M D, with Ptn and M) *June 30*  
 Austin v. Snow (M D)  
 Ranking v. Barnes (F C)  
 Ernest v. Vivian (Cause)  
 Parker v. Holah (M D)  
 Edwards v. Burlington (M D)  
 Pince v. Beattie (Cause)  
 Hull v. Christian (Cause)  
 Griffies v. Griffies (M D)  
 Evans v. Williams (M D)  
 Forbes v. Tanner (M D)  
 Hodson v. Ball and 6 other causes (F C)  
 Jones v. Prince (M D)  
 Buckridge v. Whalley (Re-hearing)  
 Stanley v. Snow (F C)  
 Wylde v. Radford (Rehear.)  
 Sandford v. Sandford (M D)  
 Cross v. Malthy (F C)  
 Mason v. Bridges (M D)  
 Mayne v. Clement (F C).

*Before the Vice-Chancellor Sir JOHN STUART.*

## CAUSES, &amp;c.

Todd v. Bright (E to further answer)  
 Thornton v. Ramsden, Bart. (M D)  
 Charlton v. Coombes (M D)  
 Smoother v. Rumball (M D)  
 Sir F. Currie, Bart., v. Lar-kins (M D) *July 3*  
 Wilkins v. Sibley (M D)  
 Davies v. Davies (M D, part heard)  
 Cooper v. Gostling (Cause)  
 Ullathorne v. Aldin (M D)  
 Curlew v. Waller (Cause set down by defendant)  
 Hutton v. Beeton (M D)  
 Snowden v. Metropolitan Railway Co. (Cause) *June 22*  
 Avery v. Sutcliffe (F C)  
 Ross v. Crystal Palace and South London Junction Railway Co. (M D)  
 Sells v. Hoskins (Cause)  
 Becke v. Simpson (F C)  
 Bailey v. Skipp (M D)  
 Boulton v. Sankay (M D)  
 Harris v. Pettit (F C)  
 Hooper v. Surridge (M D)  
 White v. White (Cause)  
 Wroe v. Seed (F C)  
 Gould v. Domett (M D)  
 Lucas v. Williams (F C)  
 Slee v. Mayor, &c. of Bradford (M D)  
 Bamford v. Barkworth (F C, Ptn)  
 Brown v. Weller (M D)  
 Bargent v. Thomson (M D)  
 Strange v. Fooks (Cause)  
 Honeycombe v. Peake (M D)  
 Spirett v. Willows (Cause)  
 Poolethwaite v. Travers (M D)  
 Ancona v. Robinson (M D)  
 Yetta v. Hilton (M D)  
 Bean v. Williams (Cause)  
 Be Grant's Es- } (F C, from  
 Grant v. Grant } chambers,  
 and Sums.)

Tucker v. Larder (F C)  
 Rowlands v. Allberry (M D)  
 Staniland v. Seaton (M D)  
 Berrow v. Berrow (M D)  
 West v. Brooks (M D)  
 Rackham v. De la Mare (M D)  
 Rowell v. Lee (F C)  
 Waterton v. Wright (Cause)  
 Hollings v. Brooke (Cause)  
 James v. Magnay (M D)  
 Linskill v. Blyth and Tyne Railway Co. (M D)  
 Currie v. Ward (M D)  
 West v. Borrett (M D)  
 Godfrey v. Whitehead (M D)  
 Wilkinson v. Smith (F C)  
 Marsh v. Peacocke (M D)  
 Lee v. Wright (F C)  
 Harbord's Estate } (F C,  
 Harbord v. Har- } from  
 bord } chambers)  
 Nicholson v. Hall (Cause)  
 Ion v. Jenkins (Cause)  
 Helliwell v. Ward (M D)  
 Walters v. Townsend (M D)  
 Cole v. Arbuthnot (M D)  
 Croft v. Croft (M D)  
 Futroye v. Kennard (M D)  
 Futroye v. Kennard (Cause)  
 Hooker v. Steele (M D)  
 King v. King (M D)  
 Huntley v. Charlton (Cause)  
 Cook v. Maynard (F C)  
 Cook v. Drew (F C)  
 Vickers v. Bell (Cause)  
 Bell v. Vickers (Cause)  
 Rickards v. Cleare (M D)  
 Cooke v. Benbow (M D)  
 Crolesey v. Lord (M D)  
 Fisher v. Higdon (F C)  
 Groome v. Dell (M D)  
 M'Donald v. Richard- } (F C,  
 son } M)  
 Richardson v. Martin }  
 Wright v. Overman (F C)  
 Bulkeley v. Stephens (F C, M)  
 Schofield v. Midgley (F C)  
 Gates v. Buckland (Cause)

Bull v. Withey (M D)  
 Harrington v. Harrington (F C)  
 Barkworth v. Barkworth (M D)  
 Farrar v. Farrar (M D)  
 Sir H. Seale, Bart., v. Hayne (M D)  
 Wiethsbach v. Scott (M D)  
 Lee v. Strand Music Hall Co. (Limited) (M D)  
 Beadel v. Pett (M D)  
 Gurnell v. Gardner (M D)  
 Ramsden v. Fawthrop (M D)  
 Fisher v. Carter (F C)  
 Croome v. Collins (F C)  
 Cox v. Barnard (F C)  
 Dennison v. Hoskins (Cause)  
 Knight v. Lewis (M D)  
 Moscrop v. Sandeman (M D)

Twynam v. Sandeman (M D)  
 Twynam v. Sandeman (M D)  
 Battenaby v. Huggill (M D)  
 Hall v. Kennedy (M D)  
 Nye v. Wilbeam (F C)  
 Michell v. Hocking (M D)  
 Beeton v. M'Murray (Cause)  
 In re Beeson } (F C, adj.  
 Beeson v. Edge } from cham.)  
 Briten v. Dodd (Cause)  
 Morgan v. Day (M D)  
 Pritchard v. Davies (Cause)  
 Doubell v. Collett (Cause)  
 Head v. Valpy (M D)  
 Ingham v. Ingham (M D)  
 Jeffcott v. Clarke (M D)  
 Perkins v. Coles (Cause)  
 Newdick v. Land (M D)  
 Cann v. Marris (Cause)  
 Cresswell v. Dewell (Cause).

*Before the Vice-Chancellor Sir W. P. WOOD.*

## CAUSES, &amp;c.

Westbury v. Clapp } (M D,  
 Gale v. Clapp } pt. hd.)  
 Shafto v. Johnson (M D)  
 Craig v. Wallington (Cause)  
 Dickinson v. Bartholomew (Cause)  
 Jones v. Jones (F C)  
 Burrows v. Claydon (F C)  
 M'Dermott v. Scanlan (F C)  
 Boucicault v. Delafield (Cau.)  
 Moore v. Wright (F C, M)  
 Tinsley v. Lacey (M D)  
 Churchill v. Sewell (F C)  
 King v. Bellord (M D)  
 Park v. Hind (E to answer)  
 Flower v. Bright (E to ans.)  
 Parsons v. North (M D)  
 Knox v. Gye (M D)  
 Tompsett v. Harner (F C)  
 Leather Cloth Co. (Limited) v. American Leather Cloth Co. (Limited) (M D)  
 Robson v. Leatham (M D)  
 Hughes v. Jones (Further hearing after issue at law)  
 Foster v. Gladstone (M D)  
 Puttock v. King (M D)  
 Gimber v. Coleman (M D)  
 Foster v. Harvey (M D)  
 Baker v. Donovan (M D)  
 Hinings v. Hinings (F C)  
 Lascaridi v. Gurney (Cause)  
 Wotherpoon v. Lamberton (M D)  
 Frampton v. Webb (M D)  
 In re Brooks } (F C)  
 Brooks v. Brooks }  
 Pryor v. Pryor (F C)  
 Davis v. Davis (F C)  
 Beavill v. Sheehy (M D)  
 Kent v. Dowding (Sp C)  
 Simpson v. South Yorkshire Railway and River Dun Co. (M D) *July 1*  
 Morgan v. Myers (M D)  
 Drake v. Row (F C)  
 Gordon v. Gordon (M D)  
 Molyneux v. Robinson (F C)  
 Neve v. Pennell (M D)  
 Maturin v. Tredinnick (Cau.)  
 Whitmore v. Severn Valley Railway Co. (M D)  
 Vicomti de Brimont Braesac v. Martyn (M D)  
 Dendy v. Cary (M D) *June 24*  
 Hardman v. Fishwick (M D)  
 Doyle v. Townsend (M D)

Waugh v. Waugh (M D)  
 Morrell v. Stephens (Cause)  
 Maddick v. Tallis (M D)  
 North Staffordshire Railway Co. v. Lawton (Cause)  
 Molesworth v. Snead (M D)  
 Boore v. Lane (M D)  
 Santler v. Plunkett (M D)  
 Ashcombe v. Ashcombe (M D)  
 Barber v. Hall (M D)  
 Royston v. Royston (M D)  
 Capewell v. Lawrence (M D)  
 Peard v. Davy (M D)  
 Smith v. Howden (F C)  
 Roscoe v. Lase (M D)  
 Smith v. Robin (M D)  
 Edye v. Addison (M D)  
 Doring v. Claydon (F C, and Summons to vary)  
 Brickwell v. Glenister (M D)  
 Swaine v. Great Northern Railway Co. (M D)  
 Hoare v. Hoare (Cause)  
 In re Burnaby } (F C, adj.  
 Knapp v. Burna- } from  
 by } cham.)  
 Flockton v. Peake (Cause)  
 Hunton v. Fairlamb (F C)  
 Freeman v. Ellis (M D)  
 Tucker v. Helder (F C)  
 Carlon v. Sercombe (M D)  
 Tennant v. Tennant (F C)  
 Haward v. Ray (M D)  
 Neale v. Luckie (Cause)  
 River Fergus Navigation and Embankment Co. v. Cahill (M D)  
 Brockman v. Polson (Cause)  
 Attorney-General v. Sittingbourne and Sheerness Railway Co. (M D)  
 Heather v. Heather (F C)  
 Smith v. Whitmore (Cause)  
 Merton v. Myers (M D)  
 Lightfoot v. Burstall (M D)  
 Jayne v. Harris (F C)  
 Salter v. Salter (F C)  
 Middleton v. Greenwood (Ca.)  
 Fletcher v. Bridget (Cause)  
 Owon v. Davies (M D)  
 Morgan v. Great Eastern Railway Co. (M D)  
 Cordery v. Pope (M D)  
 Williams v. Russell (M D)  
 Root v. Robinson (M D)  
 Clowes v. Garraway (M D)

Underhill v. Powell (M D)  
Carter v. Morgan (M D)  
Patrick v. Yeatherd (M D)  
Tyrrell v. Wright (M D)  
Shedlock v. Hora (M D)  
Finch v. Snell (M D)  
Smith v. Etches (Cause)  
Payne v. Parker (M D)  
Frost v. Frost (M D)  
Att.-Gen. v. Naylor (Cause)  
Needham v. Oxley (M D)

Sharfo v. Johnson (M D)  
Hunt v. Neve (Cause)  
Sir F. L. H. Goodricke, Bart.,  
v. Taylor (M D)  
Theyer v. Tombs (Cause)  
Hick v. Hick (M D)  
Williams v. Williams (M D)  
Goodwin v. Lee (Cause)  
Morrall v. Girdleston (M D)  
Brooke v. Lord Mostyn (Cau.)  
Cowgill v. Rhodes (M D).

COURT OF EXCHEQUER.

TRINITY TERM, 26 VICT.—June 12, 1863.

This Court will, on Monday, the 6th day of July next, hold a sitting, and will at such sitting proceed in giving judgment in cases then standing for judgment.

FREDERICK POLLOCK.  
SAMUEL MARTIN.  
W. F. CHANNELL.  
JAMES WILDE.

COURT OF QUEEN'S BENCH.

TRINITY TERM, 26 VICT.—June 16, 1863.

At the Sittings in Banco, commencing on Monday, the 22nd inst., the Court will proceed with the remaining Country Cases in the New Trial Paper, after which the Special Paper will be taken.

BY THE COURT.

JURIDICAL SOCIETY.—A meeting of this society took place at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 15th June, W. T. S. Daniel, Esq., Q. C., in the chair; when a paper was read by Mr. Westlake, intitled "Legal Reporting." A discussion ensued, in which the Chairman, Mr. Hastings, Mr. Hake, Mr. Marshall, Mr. Jackson, Mr. Lindley, and Mr. Droop took part.

CIRCUITS OF THE JUDGES.

(Mr. Justice KEATING will remain in Town).

SUMMER CIRCUITS, 1863.	MIDLAND.	WESTERN.	NORFOLK.	OXFORD.	N. WALES.	S. WALES.	HOME.	NORTHERN.
	CJ Cockburn J. Williams	L. C. J. Erie J. Willes	LCB Pollock J. Wightman	B. Martin J. Byles	J. Crompton	B. Wilde	B. Bramwell B. Channell	J. Blackburn J. Mellor
Wednes., July 1	.....	.....	.....	.....	.....	Haverfordw.	.....	.....
Monday .... 6	.....	.....	.....	.....	.....	Cardigan	.....	.....
Tuesday .... 7	.....	.....	.....	.....	.....	.....	.....	York & City
Thursday .... 9	.....	.....	.....	Abingdon	.....	Carmarthen	Hertford	.....
Friday .... 10	Oakham	.....	.....	.....	.....	.....	.....	.....
Saturday .... 11	Northampton.	Winchester	.....	Oxford	.....	.....	.....	.....
Monday .... 13	.....	.....	.....	.....	.....	Brecon	.....	.....
Tuesday .... 14	.....	.....	.....	.....	.....	.....	Chebmsford	.....
Wednesday .. 15	Leicester and	.....	Aylesbury	Worcester & Newtown	.....	.....	.....	.....
Thursday .... 16	[Borough	.....	.....	[City	.....	Presteign	.....	.....
Friday .... 17	.....	Salisbury	.....	.....	.....	.....	.....	.....
Saturday .... 18	.....	.....	Bedford	.....	Dolgelly	Cardiff	.....	.....
Monday .... 20	Nottingham	.....	.....	Stafford	.....	.....	Lewes	.....
Tuesday .... 21	[& Town	.....	.....	.....	Carnarvon	.....	.....	.....
Wednesday .. 22	.....	Dorchester	Huntingdon	.....	.....	.....	.....	Durham
Friday .... 24	Lincoln and	.....	Cambridge	.....	Beaumaris	.....	.....	.....
Saturday .... 25	[City	Exeter & City	.....	.....	.....	.....	.....	Newcastle &
Monday .... 27	.....	.....	.....	.....	Ruthin	.....	Maidstone	[Town
Tuesday .... 28	.....	.....	Norwich and	.....	.....	.....	.....	.....
Wednesday .. 29	Derby	.....	[City	Shrewsbury	.....	.....	.....	.....
Thursday .... 30	.....	.....	.....	.....	Mold	.....	.....	Cardiff
Saturday, Aug. 1	.....	Bodmin	.....	.....	Chester &	Chester &	.....	.....
Monday .... 3	Warwick	.....	Ipswich	.....	[City	[City	Croydon	Appleby
Tuesday .... 4	.....	.....	.....	Hereford	.....	.....	.....	.....
Wednesday .. 5	.....	.....	.....	.....	.....	.....	.....	Lancaster
Thursday .... 6	.....	Wells	.....	Monmouth	.....	.....	.....	.....
Saturday .... 8	.....	.....	.....	.....	.....	.....	.....	Liverpool
Monday .... 10	.....	.....	.....	Glouc. & City	.....	.....	.....	.....
Wednesday .. 12	.....	Bristol	.....	.....	.....	.....	.....	.....

WESTLEY, MATILDA MARY, Derby, milliner, June 25, Derby. Off.  
Ass. Welker; Sol. Leach, Derby.—Pet. f. June 9.  
WHITE, JOSEPH, Wells, Somersetshire, butcher, June 23, Wells. Off.  
Ass. Lovell; Sol. Reed, Bridgewater.—Pet. f. June 9.  
WILLIAMS, GEORGE, Bray, Berkshire, blacksmith, June 23, Windsor.  
Off. Ass. Darvill; Sol. Voules, Windsor.—Pet. f. June 8.

BANKRUPTCIES ANNULLED.

ABELL, THOMAS HENRY, Okehampton, Devonshire, grocer.  
KAY, HYLTON, Manchester, India rubber dealer.

PARTNERSHIP DISSOLVED.

STAMPON, EDWARD DAKIN, and JONES, THOMAS, Chorley, Lancashire,  
attorneys and solicitors.

TUESDAY, June 16.

BANKRUPTS.

To be heard in London.

ARMSTRONG, FREDERICK, Fratton, New Southsea, Hampshire, clerk  
in Portsmouth Dockyard, June 30. Off. Ass. Cannan; Sol. Link-  
later & Co., 7, Wallbrook.—Pet. f. June 8.

BAYLIS, JOHN, Arthur-grove, Kentish-town, out of business, June 29.  
Off. Ass. Graham; Sol. Doyle, 2, Verulam-buildings, Gray's-inn.—  
Pet. f. June 13.

BENNER, JOHN CASIMIR, Harp-alley, Farringdon-street, baker, June  
30. Off. Ass. Stanfield; Sol. Fossick, 7, Bloomfield-street.—Pet.  
f. June 12.

BEW, ALEXANDER GEORGE, Fulham-road, West Brompton, coffee-house  
keeper, June 30. Off. Ass. Edwards; Sol. Hill, 10, Basinghall-  
street.—Pet. f. June 11.

BROWN, EDWARD, Charles-place, Ferdinand-street, Hampstead-road,  
mason, June 30. Off. Ass. Edwards; Sol. Hill, 10, Basinghall-  
street.—Pet. f. June 11.

CARTER, WILLIAM THOMAS, South-cottages, Wellington-road, North-  
end, Fulham, clerk to a miller, June 30. Off. Ass. Cannan; Sol.  
Buchanan, 13, Basinghall-street.—Pet. f. June 13.

CHAPMAN, JOHN MAYHEW, Denbigh-place, Finsley, clerk at an hotel,  
June 30. Off. Ass. Stanfield; Sols. Gold & Co., 2, Whitefriars-  
street.—Pet. f. June 12.

CULL, THOMAS, East Farleigh, Kent, farmer, June 30. Off. Ass. Cannan;  
Sols. Church & Co., 38, Southampton-buildings.—Pet. f. June 11.

FLAVELLEN, JOHN, Bermondsey-street, Bermondsey, out of employ,  
June 30. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—  
Pet. f. June 11.

GARDNER, THOMAS, Brunswick-street, Blackwall, butcher, June 29. Off. Ass. Graham; Sol. Mass, 28, Martin's-lane, Cannon-street.—Pet. f. May 27.

GOCKEN, JAMES, Low Leyton, Essex, out of business, June 29. Off. Ass. Graham; Sol. Webb, 7, Lincoln's-inn-fields.—Pet. f. June 11.

GRONNE, JOSEPH PARTRIDGE, Pentonville-road, Islington, builder, June 30. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 11.

HAYMAN, STEPHEN, Spencer-terrace, Lower-road, Islington, out of business, June 29. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 9.

HOBBS, HENRY FREDERICK, Upper-street, Islington, master mariner, June 30. Off. Ass. Stansfeld; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. June 11.

JOHNSON, JAMES, Wheathampstead, Hertfordshire, licensed victualler, June 30. Off. Ass. Edwards; Sols. Annesly, St. Albans; Loftly & Co., 38, King-street, Cheapside.—Pet. f. June 11.

JONES, WILLIAM HENRY, Piccadilly, house decorator, June 30. Off. Ass. Edwards; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. June 12.

KENNEY, JAMES NICHOLAS, Catherine-street, Strand, clerk in the Post-office, June 30. Off. Ass. Edwards; Sols. Walter & Co., 8, Southampton-street, Bloomsbury.—Pet. f. June 10.

KLINDWORTH, CARL LUDWIG, Manchester-street, Manchester-square, professor of music, June 29. Off. Ass. Graham; Sol. Appleton, 8, Crosby-square.—Pet. f. June 9.

LOVYS, JOSEPH, Great Winchester-street, commission agent for wines, June 29. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 11.

METIARD, ALFRED, Manor-cottages, Kennington-oval, warehouseman, June 29. Off. Ass. Graham; Sol. Wood, 4, Coleman-street.—Pet. f. June 12.

MICHELL, GEORGE MONCK BERKELEY, Charlton, Kent, examiner of military stores, June 29. Off. Ass. Graham; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. June 16.

NEWMAN, JOHN, Shirleywick-place, Pomeroy-street, Old Kent-road, builder, June 29. Off. Ass. Graham; Sol. Cooper, 9, Charing-cross.—Pet. f. June 12.

OSBORN, JOSEPH, King's-road, Bedford-row, cowkeeper, June 30. Off. Ass. Cannan; Sol. Ody, 14, Trinity-street, Southwark.—Pet. f. June 11.

PAGE, JOHN, Mount-row, Liverpool-road, Islington, confectioner, June 29. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 11.

SHIPWRIGHT, ROBERT, Randolph-street, Camden-town, working jeweller, June 29. Off. Ass. Graham; Sol. Drake, 13, Gresham-street.—Pet. f. June 11.

TASSELL, THOMAS, Erith, Kent, victualler, June 30. Off. Ass. Cannan; Sol. Murrough, 18, Warwick-court, Gray's-inn.—Pet. f. June 12.

THOMAS, SAMUEL, Mornington-road, New Cross, assistant to a hosier, June 29. Off. Ass. Stansfeld; Sol. Mardon, 99, Newgate-street.—Pet. f. June 13.

TURNER, JAMES, New Cross-road, New Cross, baker, June 30. Off. Ass. Edwards; Sol. Stocken, 61, Cornhill.—Pet. f. June 10.

WARING, EMMA HASTINGS SCOTT, Westbourne-park-road, Bayswater, spinster, June 30. Off. Ass. Cannan; Sols. Church & Co., 38, Southampton-buildings.—Pet. f. June 11.

WEST, HENRY, Leather-lane, out of business, June 30. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 8.

WOODS, RICHARD LENOX, Warwick-street, Eccleston-square, Fimlico, clerk in a public office, June 30. Off. Ass. Cannan; Sol. Levy, 18, Surrey-street, Strand.—Pet. f. June 12.

#### To be heard in the Country.

ALDERSLEY, JOHN, Leeds, beer-house keeper, July 2, Leeds. Off. Ass. Young; Sol. Naylor, Leeds.—Pet. f. June 13.

BARLOW, JAMES, Bury, Lancashire, cart sheet maker, July 2, Bury. Off. Ass. Grundy; Sol. Anderton, Bury.—Pet. f. June 10.

BAYLEY, JAMES, and BAYLEY, ELIZABETH, Wilmslow, Cheshire, bricklayer, July 9, Oldham. Off. Ass. Summerscales; Sol. Lowe, Oldham.—Pet. f. June 5.

BROOK, JOHN, Hulme, Manchester, painter, June 30, Manchester. Off. Ass. Pott; Sol. Atherton, Manchester.—Pet. f. June 11.

BROWN, HENRY HIME, St. David, Exeter, clay merchant, July 3, Exeter. Off. Ass. Hirtzel; Sols. Daw & Co., Exeter.—Pet. f. June 13.

BROWN, JOHN, Southsea, Portsea, assistant to a statuary, June 26, Portsmouth. Off. Ass. the registrar; Sol. Palford, Portsea.—Pet. f. June 12.

BURGESS, THOMAS, Lawford, Essex, farrier, July 27, Colchester. Off. Ass. Barnes; Sol. Jones, Colchester.—Pet. f. May 9.

ENGLAND, STEPHEN, Featherstall, near Rochdale, Lancashire, joiner, July 1, Rochdale. Off. Ass. Woods; Sols. Standing & Co., Rochdale.—Pet. f. June 15.

FORSTER, SAMUEL, Leek, Staffordshire, boot maker, July 2, Leek. Off. Ass. Bloore; Sols. Tennant & Co., Hanley.—Pet. f. June 10.

GLEDHILL, JOSEPH EDWARD, Rochdale, Lancashire, plumber, July 7, Manchester. Off. Ass. Herniman; Sols. Standing & Co., Rochdale.—Pet. f. June 13.

GILCHRIST, JOHN, Birstal, Yorkshire, manufacturing chemist, June 29, Leeds. Off. Ass. Carrick; Sols. Iveson & Co., Heckmondwike; Bond & Co., Leeds.—Pet. f. June 12.

GUILF, RICHARD TURNER, Chichester, Sussex, butcher, July 1, Chichester. Off. Ass. Sowton; Sol. Goodman, Brighton.—Pet. f. June 11.

HART, ADAM CLARK, Glamford Briggs, Lincolnshire, millwright, July 1, Kingston-upon-Hull. Off. Ass. Carrick; Sols. Hett & Co., Briggs.—Pet. f. June 13.

HEDGES, JOSEPH, Burslem, Staffordshire, publican, June 27, Hanley. Off. Ass. Challinor; Sol. Sutton, Burslem.—Pet. f. June 12.

HOGG, WILLIAM, Penrith, Cumberland, and Cibur, Westmorland, livery servant, June 27, Penrith. Off. Ass. Varty; Sol. Cant, Penrith.—Pet. f. June 12.

LANCASTER, JOHN, Northwich, Cheshire, tea dealer, July 4, Northwich. Off. Ass. Cheshire; Sol. Dunstan, Northwich.—Pet. f. June 12.

LOCKER, SAMUEL, Stoke-upon-Trent, Staffordshire, labourer, June 29, Stoke-upon-Trent. Off. Ass. Keary; Sol. Tennant, Hanley.—Pet. f. May 30.

M'LAUGHLIN, JOHN, Kingston-upon-Hull, auctioneer, June 22, Hull. Off. Ass. Phillips; Sol. Pettigell, Hull.—Pet. f. June 8.

MORRIS, WILLIAM CYPRIA, Neath, Glamorganshire, limeburner, June 26, Bristol. Off. Ass. Miller; Sols. Cuthbertson & Co., Neath; Bevan & Co., Bristol.—Pet. f. June 13.

O'HARE, GEORGE, Wakefield, licensed hawk, June 30, Wakefield. Off. Ass. Mason; Sol. Gill, Wakefield.—Pet. f. June 12.

ORMEROD, JOHN, Bradford, Yorkshire, warehouseman, July 12, Bradford. Off. Ass. Robinson; Sols. Terry & Co., Bradford.—Pet. f. June 12.

PATTEN, ZACHARIAH ROGERS, Tollehurst D'Arcy, Essex, dealer in pigs, June 25, Maldon. Off. Ass. Codd.—Adj. June 11.

POWELL, JOHN, Abergavenny, Monmouthshire, coal merchant, June 26, Bristol. Off. Ass. Acraman; Sols. Greenway & Co., Pontypool; Bevan & Co., Bristol.—Pet. f. June 12.

RUNNALLS, RICHARD, Phillack, Cornwall, butcher, June 27, Redruth. Off. Ass. Peter.—Pet. f. May 14.

RYDER, ROBERT, Bury, Lancashire, provision dealer, July 2, Bury. Off. Ass. Grundy; Sol. Anderton, Bury.—Pet. f. June 10.

STELFOX, JOHN, Baxenden, near Accrington, Lancashire, cotton spinner, June 30, Manchester. Off. Ass. Fraser; Sols. Dean & Co., Blackburn; Cobbett & Co., Manchester.—Pet. f. June 12.

STUCKEY, BENJAMIN, Kenn, Somersetshire, beer retailer, July 3, Bristol. Off. Ass. Harley; Sol. Hill, Bristol.—Pet. f. June 13.

WATHEMAN, ANTHONY GEORGE, Leeds, cloth manager, June 29, Leeds. Off. Ass. Carrick; Sols. Upton & Co., Leeds.—Pet. f. June 11.

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## GAZETTES.—FRIDAY, June 19.

## BANKRUPTS.

*To be heard in London.*

ARNOLD, ISAAC, Shalfest and Yarmouth, Isle of Wight, builder, June 30. Off. Ass. Stansfeld; Sol. Ley, 44, Lincoln's-inn-fields.—Pet. f. June 15.

BARR, CHARLES, Woolwich, of no occupation, July 6. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. June 15.

BARRETT, MATILDA, Royal Naval-place, New Cross, of no trade, June 30. Off. Ass. Cannan; Sol. Waldron, 59, Lamb's Conduit-street.—Pet. f. June 16.

BUSWELL, FREDERICK, York-road, Lambeth, out of business, June 30. Off. Ass. Stansfeld; Sols. Lepard & Co., 9, Cloak-lane.—Pet. f. June 17.

BYFORD, THOMAS, Trafalgar-square, Brompton, lodging-house keeper, July 7. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. June 16.

CHERRY, MATTHEW, Queen-street, Kingsland-road, woollen merchant, July 6. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. June 16.

COLLINS, JUDAH, Guildford-street, Russell-square, surgeon, July 6. Off. Ass. Graham; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. June 17.

COWS, FREDERICK, John-street, Tottenham-court-road, pianoforte key manufacturer, July 7. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. June 16.

COOPER, JOHN, Chapel-place, Liverpool-road, Islington, cab proprietor, July 6. Off. Ass. Graham; Sol. Heathfield, 19, Lincoln's-inn-fields.—Pet. f. June 16.

DAVE, DANIEL, Headcorn, Kent, farmer, July 6. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. June 15.

DANES, WILLIAM, Finchley, grocer, July 7. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. June 16.

DRONER, FREDERICK, Loughton, Essex, chemist, July 6. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. June 11.

EDCOMBE, JAMES, Fenchurch-street, and Lloyd-square, commission agent, June 30. Off. Ass. Cannan; Sol. Watson, 18, Cannon-street.—Pet. f. June 15.

GROND, RODOLPHE LOUIS, Mark-lane, merchant, July 6. Off. Ass. Edwards; Sol. Leverton, 12, Saint Helen's-place.—Pet. f. June 16.

GOLLOR, JAMES ARNOLD, Emmerson-street, Southwark, engineer, July 6. Off. Ass. Graham; Sol. Marshall, 36, Basinghall-street.—Pet. f. June 15.

GOOD, CHARLES, Whitehorse-chambers, Fetter-lane, commission agent, July 6. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. June 16.

GRIEVE, WILLIAM, Stibington-street, Saint Pancras, pianoforte tuner, July 7. Off. Ass. Stansfeld; Sol. Olive, 47 A, Portmouth-street, Lincoln's-inn-fields.—Pet. f. June 16.

HEBBLETHWAITE, JOSEPH, Marlborough-road, Peckham, railway clerk, July 6. Off. Ass. Edwards; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. June 16.

HODGES, HENRY, High-street, Southwark, out of employment, July 6. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 16.

HUTT, MARY, Cambridge, widow, July 7. Off. Ass. Stansfeld; Sols. Cole & Co., 36, Essex-street, Strand; Foster & Co., Cambridge.—Pet. f. June 15.

JACKSON, GEORGE, West Ham, Essex, builder's foreman, July 6. Off. Ass. Edwards; Sol. Wood, 4, Coleman-street-buildings, Moorgate-street.—Pet. f. June 16.

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MOLYNEUX, WALTER LAWRY, New Bridge-street, Blackfriars, City, and Eastcott, Middlesex, newspaper proprietor, July 7. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. June 16.

MORTIMER, HENRY JOHN, Grove-terrace, Brompton, cheesemonger, July 7. Off. Ass. Stansfeld; Sol. Abbot, St. Mark-street, Great Prescott-street.—Pet. f. June 16.

MUMFORD, JOSEPH, Salisbury-street, Lisson-grove, Marylebone, grocer, July 6. Off. Ass. Graham; Sol. Pook, 27, Basinghall-street.—Pet. f. June 17.

FRANCE, JOHN, Wood-green, Tottenham, lodging-house keeper, July 7. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. June 16.

PERKINS, BENJAMIN ROBERT, Ladbroke-grove, Notting-hill, ironmonger, July 6. Off. Ass. Edwards; Sols. Morris & Co., Moorgate-street-chambers.—Pet. f. June 17.

POLLARD, CHARLES, Hunter-street, Brunswick-square, commission agent, July 6. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. June 16.

POPPER, DAVID, Cleveland-street, Fitzroy-square, glasscutter, July 7. Off. Ass. Cannan; Sol. Allen, 64, Chancery-lane.—Pet. f. June 17.

PORTER, WILLIAM DANIEL, Lower-manh, Lambeth, oilman, July 7. Off. Ass. Cannan; Sol. Padmore, 27A, Bridge-street, Lambeth.—Pet. f. June 17.

REYNOLDS, WILLIAM HARRIS, Princess-square, St. George's-in-the-East, out of employ, June 30. Off. Ass. Edwards; Sol. Drew, 4, New Basinghall-street.—Pet. f. June 12.

ROSS, DANIEL, Snows-fields, Bermondsey, chandler's-shop keeper, July 6. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 16.

RUNDLE, GEORGE EDWARD, South-bank, St. John's-wood, July 6. Off. Ass. Edwards; Sol. Morris, 11, Beauford-buildings, Strand.—Pet. f. June 15.

SMITH, JOHN, Wivenhoe, Essex, porter merchant, June 30. Off. Ass. Cannan; Sols. Duffield, 30, Cornhill, and Chelmsford, Essex; Whitcombe, Colchester.—Pet. f. June 16.

STACEY, EDWIN, Portsea, Hampshire, jeweller, July 7. Off. Ass. Cannan; Sols. Jones, 5, New-inn, Strand; Paffard, Portsea.—Pet. f. June 17.

STEVENSON, HUMPHREY, Brighton-terrace, Victoria-park, woollen factor, July 6. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 17.

WARD, GEORGE, Fear Tree-street, New-cut, Lambeth, shoemaker, July 7. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 16.

WELLS, WILLIAM HENRY, Manchester-street, Argyle-square, commission agent, June 30. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. June 15.

WHITAKER, WATSON, John-street, Old Kent-road, tanner, July 6. Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. June 15.

*To be heard in the Country.*

ALLEN, GEORGE, East Dereham, Norfolk, harness maker, July 4, East Dereham. Off. Ass. Cooper; Sol. Sudd, Norwich.—Pet. f. June 13.

AUSTIN, CHARLES, Marshull, Dorsetshire, baker, July 2, Shaftesbury. Off. Ass. Hannen; Sol. Chitty, Shaftesbury.—Pet. f. June 14.

BEVYER, JOHN, Truro, Cornwall, provision dealer, July 8, Exeter. Off. Ass. Hirtzel; Sol. Hirtzel, Exeter.—Pet. f. June 13.

BEVAN, ALFRED, Rochdale, Lancashire, carpet dealer, June 30, Manchester. Off. Ass. Pott; Sols. Standing & Co., Rochdale.—Pet. f. June 16.

BIRTWISTLE, THOMAS, Rochdale, Lancashire, carpet dealer, June 30, Manchester. Off. Ass. Pott; Sols. Standing & Co., Rochdale.—Pet. f. June 13.

CAMERON, JAMES, Bolton, Lancashire, grocer, July 1, Manchester. Off. Ass. Fraser; Sols. Richardson & Co., Manchester and Bolton.—Pet. f. June 17.

COOPER, JOHN, Birmingham, out of business, July 6, Birmingham. Off. Ass. Guest.—Pet. f. June 9.

DEERY, HENRY, Wolverhampton, Staffordshire, tailor, July 7, Wolverhampton. Off. Ass. Brown; Sol. Stratton, Wolverhampton.

DISTRICH, JOSEPH, Carlisle, Cumberland, clockmaker, July 31, Carlisle. Off. Ass. Halton; Sol. Donald, Carlisle.—Pet. f. June 11.

DORRINGTON, NATHANIEL, Coventry, Warwickshire, ribbon manufacturer, July 3, Birmingham. Off. Ass. Kinneer.—Pet. f. June 16.

EMPHSON, CHARLES ROBINSON, Kingston-upon-Hull, printer, June 22, Hull. Off. Ass. Phillips; Sol. Pettigall, Hull.—Pet. f. June 16.

EVAN, CHARLES, Nottingham, publican, July 1, Nottingham. Off. Ass. Harris; Sol. Maples, Nottingham.—Pet. f. June 16.

FLEMING, THOMAS, Birmingham, shoemaker, July 6, Birmingham. Off. Ass. Guest.—Pet. f. June 9.

FLETCHER, THOMAS, Hognaston, Derbyshire, beer-house keeper, June 30, Belper. Off. Ass. Ingle; Sol. Walker, Belper.—Pet. f. June 16.

FOSTER, JOSEPH, Carlisle, grocer, July 21, Carlisle. Off. Ass. Halton; Sol. Wannop, Carlisle.—Pet. f. June 11.

FOWLES, OWEN, Ashby-de-la-Zouch, Leicestershire, innkeeper, June 30, Belper. Off. Ass. Ingle; Sol. Smith, Derby.—Pet. f. June 2.

GARRATT, SAMUEL, Eastwood, Nottinghamshire, collier, July 22, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Pet. f. June 4.

GARRATT, THOMAS, Carrington, Nottinghamshire, July 22, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Adj. June 16.

GOLDSTON, SAMUEL, Birmingham, tailor, July 13, Birmingham. Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. f. June 15.

GOOD, WILLIAM, Landport, Hampshire, butcher, June 30, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. June 15.

GRAINGER, WILLIAM, Briton Ferry, near Neath, Glamorganshire, ship broker, July 1, Neath. Off. Ass. Morgan; Sol. Kemphorne, Neath.—Adj. June 10.

GRAZEBROOK, WILLIAM JOSEPH, Liverpool, merchant, July 2, Liverpool. Off. Ass. Morgan; Sols. Neal & Co., Liverpool.—Pet. f. June 17.

HARLEY, EDWARD, Pattingham, Staffordshire, plumber, July 7, Wolverhampton. Off. Ass. Brown; Sol. Bartlett, Wolverhampton.

HARRISON, FREDERICK, Birmingham, out of business, June 30, Walsall. Off. Ass. Clarke; Sol. East, Birmingham.—Pet. f. June 10.

HOLROYD, JOSEPH, Golcar, Yorkshire, mechanic, July 2, Huddersfield. Off. Ass. Jones; Sol. Freeman, Huddersfield.—Pet. f. June 10.

HOWES, THOMAS, Fenny Stratford, Buckinghamshire, out of business, July 17, Newport Pagnell. Off. Ass. Parrott; Sols. Conquest & Co., Bedford.—Pet. f. June 12.

INDER, MARY ANN, Martock, Somersetshire, out of business, July 3, Yeovil. Off. Ass. Batten; Sol. Fear, Sherborne.—Pet. f. June 15.

JACKSON, JOHN, Birmingham, grocer, July 3, Birmingham. Off. Ass. Kinneer; Sol. Green, Birmingham.—Pet. f. June 12.

JACOBS, WILLIAM, Wellington, Somersetshire, out of employment, June 25, Wellington. Off. Ass. Burridge; Sol. Were, Wellington.—Pet. f. June 12.

JARVIS, THOMAS FRANCIS, Littlethorpe, Leicestershire, miller, July 1, Leicester. Off. Ass. Ingram; Sol. Chamberlain, Leicester.—Pet. f. June 16.

JONES, WILLIAM, Llanfaethlin, Anglesey, July 2, Liverpool. Off. Ass. Turner.—Adj. June 13.

[For continuation of Gazette, see p. 239.]

CONTENTS.

London Gazette.....	234
Leading Article .....	235
Correspondence .....	236
Examinations at the Incorporated Law Society— Trinity Term .....	237
Imperial Parliament .....	238
Statutes passed during the late Session of Parliament.	

NAMES OF THE CASES REPORTED.

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>In re</i> The British Provident Life and Fire Insurance Society, <i>ex parte</i> Grady.—(Public company— Winding up—Purchase of shares by directors on behalf of the company—Ultra vires—Acquiescence of shareholders) .....	631
---	-----

COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

<i>Gibbs v. Daniel</i> .—(Practice—Appeal—Security) ..	632
--	-----

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

<i>In re</i> The West Silver Bank Mining Company (Li- mited).—(Winding up—Jurisdiction).....	632
<i>Bicknell v. Bicknell</i> .—(Practice—Infant) .....	633
The Torquay Bath Company.—(Winding up—Com- panies Act, 1862—Voluntary winding up) .....	633
<i>In re</i> The Fire Annihilator Company.—(Winding up —Voluntary winding up—Petition by contribu- tory—Title of petition) .....	633

VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

<i>Howard v. Chaffers</i> .—(Practice—Evidence after hearing).....	634
<i>Capps v. The Norwich and Spalding Railway Com- pany</i> .—(Vendor—Purchase money—Injunction). ..	635
<i>Dicker v. Clarke</i> .—(Practice—Substituted service) ..	636

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

<i>Gibbs and Others v. Daniel and Cox</i> .—(Solicitor and client—Deeds of conveyance executed by clients to their solicitors set aside—Intervention of another solicitor—Professional relationship—Pressure— Undervalue).....	636
--	-----

COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

<i>In re Creeke</i> .—(Municipal corporation—Town coun- cillor—Qualification—5 & 6 Will. 4, c. 76, s. 9)..	646
<i>Reg. v. Pearce</i> .—(County court—Marriage of female plaintiff after judgment recovered—Judgment summons—Amendment—Perjury) .....	647

COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

<i>White and Others v. Steel and Others</i> .—(Practice— Costs—Prohibition—1 Will. 4, c. 21, s. 1—"Da- mages").....	648
<i>Rippen v. Priest and Bates and Others</i> .—(Construc- tion of a will—"Securities for monies"—1 Vict. c. 26).....	649

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

<i>Kimberlay v. Allen</i> .—(Lunatic—Service of writ) ...	650
<i>Morten and Another v. Marshall</i> .—"Quilibet potest renunciare juri pro se introducto"—Guarantee— Notice) .....	651
The Overseer of the Parish of Staple Inn, App., The Board of Guardians of Holborn Union, Resp., (4 & 5 Will. 4, c. 76—24 & 25 Vict. c. 55—Union of parishes—Contribution order).....	652

COURT OF PROBATE.

By DR. MIDDLETON.

<i>Crispin v. Doghlon</i> .—(Interest suit—Succession— Foreign domicil—Foreign judgments—Practice). ..	653
---	-----

THE JURIST.

LONDON, JUNE 27, 1863.

THE doctrines of equity, by which innovations have been made, and often most justly made, upon rules of common law, are generally of progressive growth; and points are frequently arising for the decision of the Court of Chancery, which one might have thought would have been clearly determined one way or another, during a former century; take, for instance, the doctrine of the courts of equity, upon the equity of a married woman to a settlement out of her own property. The common law, which gives the husband so large an interest in the property of his wife, in consideration of the obligation which, upon marriage, he contracts, of maintaining her and his children by her, takes no steps to insure the performance of this duty; for not only has he in many cases power to alien his wife's property, but also, upon his becoming bankrupt or insolvent, it vests in his assignees for the benefit of his creditors.

The court of equity first interposed in favour of the wife, when the husband, or those claiming under him, applied to the court to obtain possession of the property of the wife. The Court, however, considered that it was not right to give its assistance unless a settlement was made of part of the property, at the instance of the wife. In these cases the Court acted upon the old maxim, "that he who seeks equity must do equity."

Whatever, however, may have been the origin of this equitable doctrine, and although it was at one time thought that the wife could only claim a settlement in those cases where the husband, or those claiming under him, sought the assistance of the Court to obtain possession of her property, (*Bosvill v. Brandon*, 1 P. Wms. 460), it was afterwards decided, in *Lady Elibank v. Montolieu* (5 Ves. 737), that the wife might file a bill to assert her right to a settlement.

This right might be defeated at any time before a bill was filed, by the husband obtaining possession of the property, whether it was handed over to him by the Court, by trustees, or others.

Another singularity in the doctrine of courts of equity upon this subject is, that whenever the wife asserted a right to a settlement for herself, she was bound at the same time to claim that its benefit should be extended to her children. But inasmuch as the right to the settlement was *personal* to herself, she might, at any time before the settlement was actually made, waive her right to it, and thus defeat the interests which her children would otherwise have taken under it. (*Hodgens v. Hodgens*, 11 Bligh, N. S., 104).

A very important question then arose, of this kind; assuming that a bill had been filed, and that the wife had died without waiving her right to a settlement, at what time, and under what circumstances, did the right of the children to insist upon the benefit of the wife's equity to a settlement attach?

In the first place, it was clearly settled, that where



the wife had entered into a contract for a settlement upon herself and her children, or had obtained a decree for a settlement, her death before the execution of a settlement, without having waived her right to it would not prejudice the claims of her children. (*Lloyd v. Williams*, 1 Mad. 467; *Lady Elibank v. Montolieu*, 5 Ves. 737; *Murray v. Lord Elibank*, 10 Ves. 348; *Lloyd v. Mason*, 5 Hare, 149).

Suppose, however, that a bill has been filed, and the wife dies before a decree, without having claimed or waived her equity, can the children then insist upon a settlement? Sir J. Leach, in *Steinmetz v. Halthin* (1 Gl. & Ja. 65), thought they could. In that case a bill had been filed by trustees for the administration of the trust property, and a married woman, entitled to part of it, died before decree, and without having put in her answer; nevertheless his Honor held, that, on the bill being filed, the equity of the wife attached upon the property, and that her death pending the suit, without having waived her equity, though before answer, gave to the children an immediate title to the provision that the wife would have acquired if living. The decision of Sir J. Leach in *Steinmetz v. Halthin* has, however, been overruled by the subsequent cases of *De La Garde v. Lempriere* (6 Beav. 344) and *Baker v. Bayldon* (8 Hare, 210), in both of which cases the bill had been filed against the wife, and she had died before having claimed any settlement, and before any decree had been made for one.

These decisions leave untouched the question whether, when the wife herself, as plaintiff, files a bill claiming a settlement, and dies before a decree, but without having waived her right, her children can nevertheless insist upon a settlement. In the recent case of *Wallace v. Auldjo*, heard on the 25th and 26th May, 1863, Sir R. T. Kindersley, V. C., decided adversely to the claim of the children. There, it seems, the plaintiff Mrs. Auldjo, as one of the next of kin of a deceased brother, was entitled to the sum of 2000*l.*, then in the hands of his administrator. In August, 1861, Mrs. Wallace filed a bill against her husband and the administrator of her brother, praying a settlement out of the 2000*l.* The defendants appeared to the bill; and subsequently some negotiations with a view to an arrangement took place. On the 19th November, 1861, before anything had been settled, Mrs. Wallace died. On the 30th June, 1862, the children filed a supplemental bill, asking a declaration that Mrs. Wallace was entitled to a settlement on herself and her children, out of her share as next of kin of her deceased brother, and for an injunction to restrain the transfer of the fund to the husband. His Honor dismissed the bill, with costs, and he seems to have come to the conclusion he did upon the ground, that since Mrs. Wallace died before decree, although after a bill filed by her, no trust was impressed upon the property at her death, and that, therefore, the children were not entitled to enforce their equity.

If this decision be supported, it may, perhaps, be laid down as a general proposition, that in the absence of contract, the equity to a settlement, whether the bill be filed against or by the wife, and although she by her bill or answer claims a settlement, does not attach until a decree has been obtained directing a settlement to be made.

It is, perhaps, to be regretted, that the court of equity in framing its practice on this subject, did not lay down a different rule, so that the equity might attach at an earlier period.

In many cases the doctrine of a wife's equity to a settlement is highly beneficial to her and her family, and the jurisdiction of the Court may be exercised without giving any cause of complaint to the husband or those claiming under him.

It would, we think, have been a far more convenient rule to have laid down, that the equity should in all cases attach when the claim of the wife was made—for instance, when she filed a bill claiming a settlement, that her right should attach on the filing of the bill; when the bill was filed against her, then that the right to a settlement should attach upon her claiming it by her answer, or by her counsel in court.

The rule as laid down by Sir R. T. Kindersley, V. C., if adhered to, must, as in *Wallace v. Auldjo*, give rise to great inconvenience and injustice. For instance, take the case of a married woman dangerously ill, who, in consequence of the misconduct or improvidence of a spendthrift and immoral husband, is most anxious to obtain a settlement for the sake of her children: if she happen to die before a decree, according to the present practice, as laid down by Sir R. T. Kindersley, V. C., the whole costs of the proceedings are utterly thrown away, and the fear of such a result may often prevent proceedings being taken.

It may, doubtless, be said, that the jurisdiction which the court of equity has assumed is an interference with the legal rights of the husband, and that his chance of getting his wife's property discharged of her equity, by surviving her, before it is enforced, should not be lightly interfered with. The answer to this, we consider, is plain: the Court in all cases where it directs a settlement of the wife's property to be made, interferes with the legal right of the husband; the extent of its interference is one merely of degree. By enforcing a settlement after the death of the wife in favour of the children, in all cases where it has been claimed by the wife, and not only where she has obtained a decree, the Court would violate no principle of its own. Whether it would by so doing act contrary to its own practice, we propose at some future time, by a more minute examination of the authorities, to consider.

CORRIGENDUM.—At p. 224, line 7, instead of "all nations have their birth," &c., read "every nation has its birth," &c.

### Correspondence.

#### ATKINSON v. HOLBY.

TO THE EDITOR OF "THE JURIST."

SIR,—Whether the strictures of your correspondent "G. L." on the House of Lords as a court of appeal be just or not, I cannot but think that the decision of that Court in the case of *Atkinson v. Holby* (9 Jur., N. S., part 1, p. 503), which has been selected by him to illustrate its inefficiency, is a most unfortunate choice for the support of your correspondent's charge.

Of two "well-considered" judgments, that of the House of Lords is, I venture to say, not only more in accordance with the words of the devise in question, but more agreeable to authority, than the very lucid, but to me inconclusive, judgment of Sir G. J. Turner, L. J.

There is no conflict between the two tribunals as to the possibility of implying an estate tail. They agree, that such an implication must arise; but while the lower Court places the estate tail in the great grandchildren, the House of Lords, affirming a decision of the Master of the Rolls, places it in the grandchildren of the testator.

Now, "G. L." lays down a principle, which he says governs this case, and which he describes as one "referring default of issue to the objects of the preceding devise, if in fee-simple or in fee-tail, provided such objects be not one or two of a class;" and although he feels supported by many clear authorities, he selects

the cases of *Ginger & White v. White* (Willes, 348) and *Fees v. Legge* (3 Bunn. & E. 488) as illustrations of the principle which he has thus defined.

I confess I am unable to deduce from these cases any such general rule as "G. L." has drawn. In the first of the two cases, an estate tail is certainly implied, but on grounds totally irrespective of any reference to the words denoting failure of issue, which, indeed, occurred in the devise then in question, but which were construed to refer, not to issue of any prior devisees, but to the prior devisees themselves.

In the latter case, an estate tail was implied in consequence of the remainderman being himself one of the "heirs" in default of whom his estate was to arise, "heirs" being there read "heirs of the body."

In truth, the difficulty in most of the cases which are usually cited in questions similar to that in the case of *Atkinson v. Holby*, has been in deciding whether the word "issue" refers to the prior devisees who have been mentioned in the devise, or to their descendants. Now, in the present instance no such question can arise; the words of the devise are distinct—"in default of issue by my said granddaughters;" and the simpler rule, forming the first ground of Lord Chelmsford's judgment, by which an estate tail is conferred on the prior devisees, whose issue appears, from the words of the will, to be objects of the testator's bounty, is, I conceive, that which ought, and which did, govern the ultimate decision in this case.

The granddaughters are the first takers of the devised estates; their issue is to be exhausted before the devise over is to take effect; by conferring on them estates tail, the usual mode by which the law can best carry out such an intent is adopted.

Your obedient servant,

25, Old-square, Lincoln's-inn. J. B. S.

## EXAMINATIONS AT THE INCORPORATED LAW SOCIETY.

TRINITY TERM, 1863.

### INTERMEDIATE EXAMINATION.

THE EXAMINERS reported that the following gentlemen, whose names are arranged in alphabetical order, have passed the intermediate examination with distinction:—

George Henry Blunt, aged nineteen, articled to Mr. William Freer, of Leicester.

Alfred Brunson, aged twenty, articled to Messrs. Bodenham, James, & Bodenham, of Hereford.

Edmund John Thomas Judge Mourilyan, aged twenty-one, articled to Messrs. Boys & Tweedies, of London.

Frederick Nalder, aged eighteen, articled to Mr. Frank Isaac Nalder, of Shepton Mallet.

The number of candidates examined in this term was seventy-four; of these, seventy-two were passed, and two postponed.

By order of the Council,

E. W. WILLIAMSON, Secretary.

### FINAL EXAMINATION.

AT the examination of candidates for admission on the roll of attorneys and solicitors of the Superior Courts, the Examiners recommended the following gentlemen, under the age of twenty-six, as being entitled to honorary distinction:—

Water Webb, aged twenty-one, who served his clerkship to Messrs. Hughes, Hooker, & Buttanshaw, of London.

The Council of the Incorporated Law Society have

accordingly awarded to Mr. Webb the prize of books presented by the Hon. Society of Clifford's-inn.

The Council have also awarded to each of the undermentioned gentlemen, whose names are placed in alphabetical order, a prize of books given by the Incorporated Law Society:—

Charles Edward Bretherton, aged twenty-three, who served his clerkship to Mr. Edward Bretherton, of Liverpool; and Mr. Alfred Benjamin Carpenter, of London.

Thomas William Henry Hallam, aged twenty-five, who served his clerkship to Mr. Robert Leonard the younger, of Bristol; Mr. Lewis Fry, of Bristol; and Mr. Richard Smith, of London.

John William Pye-Smith the younger, aged twenty-two, who served his clerkship to Messrs. Pye-Smith & Wightman, of Sheffield; and Messrs. Torr, Janeway, & Tagart, of London.

Joseph Edward Turner, aged twenty-one, who served his clerkship to Mr. Orlando Webb, of London.

The Examiners have also certified that the following candidates, whose names are placed in alphabetical order, passed examinations which entitle them to commendation:—

Henry Johnson Carr, aged twenty-two, who served his clerkship to Messrs. Upton & Yewdall, of Leeds; and Messrs. Few & Co., of London.

William Cooper, aged twenty-three, who served his clerkship to Messrs. Carson, Ellis, & Field, of Liverpool.

George Sangster Green, aged twenty-one, who served his clerkship to Mr. Mark Jameson, of London.

John Charles Hardy, aged twenty-three, who served his clerkship to Messrs. Cree & Law, of London.

John Edward Gray Hill, aged twenty-three, who served his clerkship to Messrs. Gregory, Skirrow, & Rowcliffe, of London; and Messrs. Phillips, of Plymouth.

William Ramwell, aged twenty-two, who served his clerkship to Mr. Alphonso Rowland Varley, of Bolton-le-Moors; and Messrs. Mackeson & Goldring, of London.

James Hamilton Townend, aged twenty-two, who served his clerkship to Mr. Charles Sawbridge, of London.

The Council have accordingly awarded them certificates of merit.

The Examiners have further announced to the following candidates, whose names are placed in alphabetical order, that their answers to the questions at the examination were highly satisfactory, and would have entitled them to prizes or certificates of merit if they had been under the age of twenty-six:—

John Robinson Adams, aged thirty-one, who served his clerkship to Mr. James Matthews, of London.

George Arthur Books, aged twenty-eight, who served his clerkship to Mr. Thomas Lee, of London.

Charles Sheppard, aged twenty-nine, who served his clerkship to Messrs. Hockley & Baker, of Guildford; and Messrs. Hockley & Russell, of Guildford.

Horace William Smith, M.A., aged thirty-one, who served his clerkship to Mr. James Crowdy, of London.

Frederick Stroud, aged twenty-seven, who served his clerkship to Mr. Charles John Cheeshyre, of Cheltenham; and Messrs. Aldridge & Bromley, of London.

The number of candidates examined in this term was 147; of these 131 were passed, and 16 postponed.

By order of the Council,

E. W. WILLIAMSON, Secretary.

Law Society's Hall, Chancery-lane,  
London, June 11, 1863.

## Imperial Parliament.

### HOUSE OF LORDS.—Tuesday, June 23.

The Security from Violence Bill passed through committee. The Innkeepers' Liability Bill (on the motion of Lord Portman) was read a second time.

### HOUSE OF COMMONS.—Tuesday, June 16.

#### ASSIZE AND CIRCUIT ARRANGEMENTS.

Mr. *M'Mahon*, in rising to move a resolution, "That it is expedient to make such alterations in the assize and circuit arrangements as would secure a more speedy trial in the country of country causes," said, his aim was to carry out the objects of the commission of 1857, which had inquired into the subject, and had made several recommendations, by giving to the country districts and to towns more frequent opportunities of trying their causes. In the country there were but two assizes in the year, while in London and Middlesex there were no less than ninety-six sittings—thirty-two for each of the three courts; so that a suitor in Middlesex had forty-eight times more opportunities of having his case tried than the suitor over the river, in the county of Surrey. In matters under 50*l.*, too, Parliament had taken care to provide that there should be twelve sittings in the year. Having referred to the Great Charter, which provided that trials of ejectments and other local causes should take place four times a year, and to the statute of Edward I and others, which provided that there should be three assizes in the year, to shew that the system was new, the hon. and learned gentleman proceeded to point out that the present arrangements caused great dissatisfaction in the country, and that complaints were very frequent among country suitors—that they had to wait half a year for the trial of their causes, or were put to great expense in bringing them up to London. It was of the utmost importance that parties should not be obliged to go to a great distance from home to have their causes tried, inasmuch as it had been clearly shewn that in cases in which witnesses had to be taken more than thirty miles the costs of a trial were doubled. If that inconvenience were obviated, the saving which would as a result be effected would more than counterbalance the expense of increasing the number of judges, which, of course, it would be necessary to do, if the recommendation of the commission which sat on the subject were acted upon, and additional assize accommodation provided in Yorkshire and other places which stood in need of the change. At the time the commission had made its report there was an impression that the common-law judges had not very much work to do, and it was even contended that their number ought to be diminished. The fact was, however, that the business in the superior courts had so increased, from various causes, that the judges had now more work than ever to get through, the result being, that scarcely any of the courts in Westminster had its full complement of judges available, some of them being obliged to sit in the Divorce Court, or to attend at the Privy Council, or elsewhere. Indeed, the great wonder was, seeing how wide was the extent of their duties, that the number of judges had not long since been increased. In England, which possessed the largest commercial and manufacturing population in the world, we had only fifteen common-law judges, whereas in Ireland—where, in his opinion, the number of judges was far from being too large—there were twelve judges, although the population was so much less; the number in the superior courts of Scotland being thirteen to a population of only 3,000,000. Now, nothing could be worse in a country than that its judges should be obliged to get hurriedly through their work; for, according to the old maxim, "Haste was the mother of injustice;" and everybody, he believed, but the Chancellor of the Exchequer, was satisfied that the number of judges in England ought to be increased. The expense of creating additional judges would not be more than 10,000*l.* a year, while that expense would be more than made up for by the saving which might be effected as a consequence of the augmented facilities which would be given for trying causes in Yorkshire and Lancashire alone. The inconvenience of the present system bore with especial hardship, he believed, on the inhabitants of Yorkshire, who had to go great distances to York to have their causes tried. Now, when we were

about to expend so large a sum on providing a refuge for all the animals in the British Museum, it was not, he thought, unreasonable to ask that some 10,000*l.* or 12,000*l.* a year should be laid out in securing the services of a few more judges to meet the wants of the country, in the direction to which his motion pointed. In 1857 it was intended to issue a commission for the trial of causes at the winter assize in Yorkshire; but that intention was abandoned in consequence, as was stated, of Lord Campbell having "informed the Secretary of State, that the judges were of opinion that parties would not be properly prepared for the trial of civil causes in December." The only difficulty really was the want of more judges, and he hoped that the public would not be deprived of the accommodation which was so much needed on account of the small additional expense which such an increase would occasion. The hon. member concluded by moving the resolution.

Mr. *Hadfield*, in seconding the motion, was complaining of the inconvenience occasioned to the people of Sheffield by their having to go fifty-five miles to try prisoners or causes at York, when

An *Hon. Member* noticed that there were not forty members present.

The *Speaker* counted, but a number of members had come in, and a House was made.

Mr. *Hadfield*, in continuation, dwelt upon the importance of such a re-arrangement of assize business as would effect the improvement contemplated by the motion of the hon. and learned member for Wexford.

Mr. *Baines* supported the motion. He said that the population of Yorkshire amounted to 2,000,000, upwards of three-fourths of whom resided in the West Riding; and the small number of assizes there, and the few places in which they were held, amounted to a great substantial grievance and hardship. The vast amount of manufacturing and commercial transactions necessarily led to a great deal of legal work, and the present state of things involved, to a considerable extent, a practical denial of justice. He hoped the Government would seriously and immediately take this subject into consideration.

Sir *F. Crossley* rose to speak to the motion, when

An *Hon. Member* moved that the House be counted.

The *Speaker* accordingly proceeded to count, and, having ascertained that forty members were not present, adjourned the House at ten minutes to ten o'clock.

### Wednesday, June 24.

#### MISAPPROPRIATION BY SERVANTS BILL.

Mr. *Staniland* said, that the object of this bill was to alter the law which adjudged it to be felony for a servant to take his master's corn for the purpose of feeding his master's horses. The judges of assizes felt great repugnance to sentencing servants under the present law, and juries not unfrequently found them not guilty in the face of the clearest evidence. He proposed to reduce the character of the offence so that it might cease to be a felony, and might be dealt with by two magistrates in petty sessions. Offenders were to be imprisoned, either with or without hard labour, for any term not exceeding three months, or to be subject to a penalty not exceeding 5*l.* Believing that the certainty of punishment would deter farm servants from the commission of this offence, while it would save their masters the expense and inconvenience of prosecuting at sessions and assizes, he moved the second reading of the bill.

Sir *G. Grey* said he had no objection to offer to the second reading. It would be necessary, however, to take care that the first clause should not apply to the case of servants who might take their masters' corn for the purpose of selling it.

The bill was then read a second time.

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this society took place at its rooms, 3, Waterloo-place, Pall-mall, on Monday, the 22nd June, Lord Brougham in the chair. A paper was read by Mr. Robert Stuart, on "The Trial of Issues involving the Consideration of Scientific Evidence and the Evidence of Experts." Mr. Hastings, Mr. Edward Lawrence, Mr. Edgar, Mr. H. Geale, and Mr. Edward Webster addressed the meeting on the subject.

**KENDRICK, SAMUEL**, Rugeley, Staffordshire, beer-house keeper, July 2, Rugeley. *Off. Ass. Gardner; Sol. Palmer, Rugeley.*—*Pet. f. June 15.*

**LEE, LEWIS**, Monkton, Devonshire, July 1, Exeter. *Off. Ass. Hirtzel; Sol. Flood, Exeter.*—*Adj. June 15.*

**LEWIS, WILLIAM**, Pelsall, Staffordshire, innkeeper, June 30, Walsall. *Off. Ass. Clarke; Sols. Dugnan & Co., Walsall.*

**MALIN, HENRY**, Coventry, Warwickshire, watch finisher, July 7, Coventry. *Off. Ass. Kirby; Sol. Smallbone, Coventry.*—*Pet. f. June 15.*

**MANN, WILLIAM PICKARD**, Middleham, Yorkshire, schoolmaster, July 3, Leyburn. *Off. Ass. Robinson; Sol. Teale, Leyburn.*—*Pet. f. June 15.*

**MARSHALL, JONATHAN FOX FRANKLEY**, Middlesbrough, Yorkshire, grocer, July 2, Leeds. *Off. Ass. Young.*—*Adj. June 15.*

**MEACHAM, JAMES EDWIN**, Leicester, chemist, July 1, Leicester. *Off. Ass. Ingram; Sol. Haxby, Leicester.*—*Pet. f. June 15.*

**MUSFORD, JAMES**, Portsea, Hampshire, commission agent, June 30, Portsmouth. *Off. Ass. the registrar; Sol. Paffard, Portsea.*—*Pet. f. June 15.*

**PERRY JAMES**, Aberaman, near Aberdare, Glamorganshire, labourer, July 5, Aberdare. *Off. Ass. Rees.*—*Adj. June 10.*

**PERRY, WILLIAM EDWIN**, Bobbington, Staffordshire, dealer in artificial manures, July 13, Birmingham. *Off. Ass. Whitmore; Sols. James & Co., Birmingham.*—*Adj. June 15.*

**ROBERTS, JOHN WAYMAN**, Reynoldstone, Gower, near Swansea, Glamorganshire, schoolmaster, July 8, Swansea. *Off. Ass. Morris.*—*Adj. June 10.*

**ROBINSON, THOMAS**, Newcastle-under-Lyme, Staffordshire, bookseller, June 29, Newcastle-under-Lyme. *Off. Ass. Slaney; Sol. Litchfield, Newcastle-under-Lyme.*—*Pet. f. June 15.*

**SATTERTHWAITE, CORNELIUS**, Preston, Lancashire, druggist, June 29, Manchester. *Off. Ass. Herniman; Sols. Winstanley & Co., Preston.*

**SCAIFE, JOHN**, Hunslet, near Leeds, out of business, July 9, Leeds. *Off. Ass. Sangster; Sol. Harle, Leeds.*—*Pet. f. June 15.*

**SMITH, JOHN PHILLIPS**, Tottenhall, Staffordshire, agricultural engineer, July 7, Wolverhampton. *Off. Ass. Brown; Sol. Underhill, Wolverhampton.*

**STOCKDALE, HENRY**, Cardiff, Glamorganshire, greengrocer, July 2, Cardiff. *Off. Ass. Langley; Sol. Goodere, Cardiff.*—*Pet. f. June 17.*

**TATTERDALE, EDWARD**, Blackburn, Lancashire, innkeeper, July 6, Blackburn. *Off. Ass. Bolton; Sol. Blackhouse & Co., Blackburn.*—*Pet. f. June 15.*

**TRIAS, JOHN**, Sale Moor, Cheshire, timber merchant, June 29, Altrincham. *Off. Ass. Porter; Sol. Foulkes, Manchester.*—*Pet. f. June 8.*

**VIOLIN, THOMAS**, Leeds, tailor's cutter, July 9, Leeds. *Off. Ass. Sangster; Sol. Simpson, Leeds.*—*Pet. f. June 9.*

**WELLS, WILLIAM**, Tempford, Bedfordshire, blacksmith, July 4, Biggleswade. *Off. Ass. Hooper; Sol. Rogers, Bedford.*—*Pet. f. June 10.*

**WHITHEAD, WILLIAM**, Leeds, cattle dealer, July 9, Leeds. *Off. Ass. Sangster; Sols. Ferns & Co., Leeds.*—*Pet. f. June 15.*

**WOODLEY, MARY**, Exeter, widow, July 1, Exeter. *Off. Ass. Daw; Sol. Flood, Exeter.*—*Pet. f. June 15.*

**WORSLEY, JOHN**, Great Budworth, Cheshire, cabinet maker, July 4, Northwich. *Off. Ass. Cheshire; Sol. Dunstan, Northwich.*—*Pet. f. June 15.*

**TUESDAY, June 23.**

**BANKRUPTS.**

*To be heard in London.*

**AMOS, RICHARD GULLY**, Bishopsgate-churchyard, manager of the King's Arms Tavern, July 7. *Off. Ass. Cannan; Sol. Reed, 1, Guildhall-chambers.*—*Pet. f. June 19.*

**ANDREWS, JOHN**, Eling, Southampton, timber merchant, July 6. *Off. Ass. Edwards; Sols. Paterson & Co., 7, Bouverie-street; Mackay, Southampton.*—*Pet. f. June 19.*

**ATTERTON, JAMES**, Coldharbour-lane, Camberwall, gardener, July 6. *Off. Ass. Edwards; Sol. Ody, 14, Trinity-street, Southwark.*—*Pet. f. June 17.*

**BEADLE, GEORGE**, Croydon, builder, July 15. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 15.*

**BECKLEY, JOSEPH**, Dudley-place, Harrow-road, Middlesex, and Wendover, Buckinghamshire, hay dealer, July 6. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 17.*

**BRADFORD, WILLIAM**, Swann-street, Newington, bedding manufacturer, July 6. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 19.*

**BRAMPTON, WILLIAM**, New Broad-street and Gresham-street, crinoline manufacturer, July 7. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 16.*

**COLWELL, HENRY**, Green-street, Bethnal-green, bootmaker, July 6. *Off. Ass. Edwards; Sol. Cooper, 43, Lincoln's-inn-fields.*—*Pet. f. June 18.*

**COOK, THOMAS**, Penton-row, Walworth-road, saddler, July 7. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 19.*

**DENWANT, FREDERICK**, Bedford-place, Vauxhall-bridge-road, sewing machinist, July 6. *Off. Ass. Graham; Sol. Juckes, 19, Basinghall-street.*—*Pet. f. June 19.*

**EMERY, JOSEPH**, Waterloo-place, Shepherd's Bush, Hammersmith, carpenter, July 14. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 17.*

**FAIRBROTHER, HENRY**, Rotherfield, Sussex, farmer, July 14. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 19.*

**FENN, JOHN FRIDAY**, Norwich, licensed victualler, July 6. *Off. Ass. Graham; Sols. Sole & Co., Aldermanbury; Miller & Co., Norwich.*—*Pet. f. June 18.*

**FIRMIN, BENJAMIN ST. JOHN**, Colchester, Essex, sack manufacturer, July 7. *Off. Ass. Cannan; Sols. Harrison & Co., 24, Old Jewry.*—*Pet. f. June 19.*

**FLOTS, JOHN**, Rochester, Kent, licensed victualler, July 7. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 15.*

**FORRESTER, THOMAS**, Gillingham, Kent, cattle dealer, July 7. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 15.*

**FRANKFEST, AUGUSTUS FRANCIS RICHARD**, Streatham, Surrey, and Cannon-street, City, bristle merchant, July 6. *Off. Ass. Edwards; Sols. Walker & Co., 13, King's-road, Gray's-inn.*—*Pet. f. June 16.*

**GIBSON, CHARLES**, Little Saint Andrew-street, Seven Dials, publican, July 6. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 16.*

**GUN, ROBERT**, Charlotte-street, Bedford-square, general advertising agent, July 6. *Off. Ass. Edwards; Sol. Fisher, 99, Camberwell New-road.*—*Pet. f. May 6.*

**HARDING, WILLIAM MILLER**, Artillery-place West, accoucheur, July 14. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 18.*

**HILL, DANIEL**, Godfrey-street, Chelsea, commercial clerk, July 6. *Off. Ass. Graham; Sol. Chidley, 25, Old Jewry.*—*Pet. f. June 16.*

**JONES, JOHN WARD**, Windsor-road, Islington, commission agent, July 7. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 16.*

**KELLY, WILLIAM PETER**, Gordon-street, Islington, merchant, July 14. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 18.*

**MAY, EDGAR**, Old Ferry-road, Isle of Dogs, Poplar, general dealer, July 7. *Off. Ass. Stansfeld; Sols. Marshall & Co., 12, Hatton-garden.*—*Pet. f. June 18.*

**MISKIN, JOHN STANTON**, Saint Jude's-place, Mildmay-road, Mildmay-park, butcher, July 6. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 15.*

**NEWTON, JOHN**, Sheerness, Kent, town carrier, July 6. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 15.*

**PARKINS, JAMES**, New Cross-road, commission agent, July 6. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 16.*

**PARKINSON, JOHN**, Saint John's-court, Snow-hill, and York-square, Stepney, commission agent, July 6. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 16.*

**PARSONS, THOMAS**, Hindley's-place, Reesby-green, Lewisham, Kent, out of employ, July 6. *Off. Ass. Edwards; Sols. Lawrance & Co., 14, Old Jewry chambers.*—*Pet. f. June 15.*

**PAUL, DANIEL BADGER**, King-street, Cheapside, dealer in fancy goods, July 6. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. June 16.*

**PERKINS, CHARLES ALLEN**, Upper Charlotte-street, manufacturer to an importer of American sewing machines, July 7. *Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.*—*Pet. f. June 20.*

**RYAN, EDMUND**, Manor-terrace, Kilburn, coal agent, July 7. *Off. Ass. Cannan; Sol. Edwards, 15, Saint Swithin's-lane.*—*Pet. f. June 18.*

**SABERTON, WILLIAM**, Isle of Ely, Cambridgeshire, farmer, July 7. *Off. Ass. Stansfeld; Sols. Sole & Co., Aldermanbury; Miller & Co., Norwich.*—*Pet. f. June 18.*

**THOMSON, ROBERT SCOTT**, Heath-lodge, Ham-common, of no occupation, July 7. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 19.*

**WIGGS, CHARLES**, Chester-street, Kennington, builder, July 6. *Off. Ass. Stansfeld; Sol. Allen, 17, Southampton-buildings, Chancery-lane.*—*Pet. f. June 19.*

**WILSON, THOMAS**, Slater-street, Bethnal-green, trimming manufacturer, July 6. *Off. Ass. Graham; Sol. Beard, 10, Basinghall-street.*—*Pet. f. June 18.*

*To be heard in the Country.*

**ABBOTT, THOMAS**, Shap, Westmorland, joiner, July 4, Penrith. *Off. Ass. Varty; Sol. Fairer, Penrith.*—*Pet. f. June 18.*

**BADGER, RICHARD**, Smethwick, Staffordshire, gentleman, July 13, Birmingham. *Off. Ass. Kinnear; Sol. Fearman, Stourbridge.*—*Pet. f. June 20.*

**BADHAM, ELIZABETH**, Worcester, hallier, July 14, Worcester. *Off. Ass. Hill; Sol. Wilson, Worcester.*—*Pet. f. June 12.*

**BAIDON, THOMAS BENDIGO**, Bristol, undertaker, July 3, Bristol. *Off. Ass. Harley; Sol. Roper, Bristol.*—*Pet. f. June 20.*

**BETTERIDGE, CHARLES**, Coalville, Leicestershire, carpenter, July 3, Ashby-de-la-Zouch. *Off. Ass. Dewes; Sol. Dewes, Ashby-de-la-Zouch.*—*Pet. f. June 19.*

**BOURNES, JEREMIAH**, Kingswinford, Staffordshire, grocer, July 13, Stourbridge. *Off. Ass. Harward; Sol. Bedford, Stourbridge.*—*Pet. f. June 15.*

**BOULTER, JOHN**, Kingston, Herefordshire, shoemaker, July 8, Kingston. *Off. Ass. Temple; Sol. Cheese, Kingston.*—*Pet. f. June 18.*

**BURKINSHAW, THOMAS**, Sheffield, tile manufacturer, July 15, Sheffield. *Off. Ass. Wake; Sol. Broadbent, Sheffield.*—*Pet. f. June 22.*

**BURKLEY, ABRAHAM**, Rochdale, Lancashire, plasterer, July 7, Rochdale. *Off. Ass. Wood; Sols. Standing & Co., Rochdale.*—*Pet. f. June 17.*

**BURNS, MARTIN**, Hulme, Manchester, carter, July 4, Salford. *Off. Ass. Hulton; Sol. Swan, Manchester.*—*Pet. f. June 18.*

**BURTON, THOMAS**, Durham, out of business, July 6, Durham. *Off. Ass. Bramwell; Sol. Marshall, Durham.*—*Pet. f. June 19.*

**COPELAND, GEORGE ALEXANDER**, Constantine, near Falmouth, safety blasting cartridge manufacturer, July 8, Exeter. *Off. Ass. Hirtzel; Sols. Grylls & Co., Helston, Cornwall; Hirtzel, Exeter.*—*Pet. f. June 16.*

**CROWTHER, GEORGE**, Yeaddon, Yorkshire, millowner, July 6, Leeds. *Off. Ass. Carriek.*—*Adj. June 13.*

**CURTIS, THOMAS**, Anaford, Somersetshire, station master, July 6, Wincanton. *Off. Ass. Messiter; Sol. Fear, Sherborne.*—*Pet. f. June 17.*

**DAVIES, WILLIAM**, Birkenhead, Cheshire, timber measurer, July 6, Birkenhead. *Off. Ass. Gill; Sol. Hubbard, Liverpool.*—*Pet. f. June 10.*

**DILWORTH, JOSEPH**, Halifax, Yorkshire, stonemason, July 10, Halifax. *Off. Ass. Dyson; Sols. Wavell & Co., Halifax.*—*Pet. f. June 20.*

**DYMENT, ISAAC**, Aisholt, near Bridgwater, Somersetshire, farmer, July 13, Bridgwater. *Off. Ass. Lovibond; Sol. Taunton, Taunton.*—*Pet. f. June 11.*

**EVANS, EDWIN**, Southampton, out of business, July 18, Southampton. Off. Ass. Thorndike; Sol. Mackay, Southampton.—Pet. f. June 15.

**FREAR, HENRY**, Daventry, Northamptonshire, pig dealer, July 11, Northampton. Off. Ass. Dennis; Sol. Becke, Northampton.—Pet. f. Dec. 23.

**FROST, EDWARD GEORGE**, East Dereham, Norfolk, butcher, July 4, East Dereham. Off. Ass. Cooper; Sol. Drake, East Dereham.—Pet. f. June 18.

**FROST, RICHARD CHAWNER**, Kingston-upon-Hull, commission agent, July 15, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Pettingell, Hull.—Pet. f. June 17.

**GARRATT, OSWALD**, Nottingham, joiner, July 22, Nottingham. Off. Ass. Patchitt; Sol. Lees, Nottingham.—Pet. f. June 19.

**GRIFFIS, GEORGE**, Totnes, Devonshire, wheelwright, July 4, Totnes. Off. Ass. Bryett; Sol. Michelmore, Totnes.—Pet. f. June 20.

**HARRISON, FREDERICK**, Brampton, Derbyshire, grocer, July 21, Chesterfield. Off. Ass. Wake; Sol. Cutts, Chesterfield.—Pet. f. June 18.

**HARRIS, GEORGE**, Epworth, Lincolnshire, blacksmith, July 3, Thorne. Off. Ass. Fox; Sol. Phillips, Thorne.—Pet. f. June 12.

**HEWARD, THOMAS**, Anstrey, Warwickshire, farmer, July 7, Tamworth. Off. Ass. Shaw; Sol. Dewes, Ashby-de-la-Zouch.—Pet. f. June 16.

**HUMPHREYS, ELEANOR**, Llanerchymedd, Anglesey, draper, July 6, Llangefni. Off. Ass. Dewes; Sol. Jones, Menai Bridge.—Pet. f. June 16.

**HUTCHINSON, JOHN**, Sedgefield, Durham, blacksmith, July 6, Stockton-on-Tees. Off. Ass. Crosby; Sol. Lisle, Durham.—Adj. June 17.

**JAYON, WILLIAM**, Sedgeley, Staffordshire, flour dealer, July 3, Birmingham. Off. Ass. Whitmore; Sol. Stokes, Dudley.—Pet. f. June 18.

**KETTLEWELL, RICHARD**, Belton, Isle of Ascholme, Lincolnshire, out of business, July 15, Kingston-upon-Hull. Off. Ass. Carrick; Sols. Brown & Co., Lincoln.—Adj. June 9.

**KENT, RICHARD**, Brightside, near Sheffield, gardener, July 15, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Adj. June 13.

**LEEDS, GEORGE**, Manchester, leather dealer, July 4, Salford. Off. Ass. Hulton; Sols. Smith & Co., Manchester.—Pet. f. June 19.

**MOORES, HENRY**, Hulme, Manchester, July 4, Salford. Off. Ass. Hulton; Sol. Gardner, Manchester.—Adj. June 16.

**MORRIS, ISAAC**, Birmingham, July 6, Birmingham. Off. Ass. Guest; Sol. Barber, Birmingham.—Pet. f. June 18.

**OAKET, HENRY**, Wootton, Gloucestershire, baker, July 4, Gloucester. Off. Ass. Wilton; Sol. Taynton, Gloucester.—Pet. f. June 18.

**PALFREY, SAMUEL**, Ottery St. Mary, Devonshire, farmer, July 2, Honiton. Off. Ass. Stamp; Sol. Jeffery, Ottery St. Mary.—Pet. f. June 18.

**PARSONS, JAMES CHARLES**, Ilminster, Somersetshire, tallow chandler, July 6, Chard. Off. Ass. Dommatt; Sol. Paull, Ilminster.—Pet. f. June 20.

**PEARSON, GEORGE SAMUEL**, Putton, near Macclesfield, Cheshire, silk agent, July 7, Macclesfield. Off. Ass. Brocklehurst; Sol. Barclay, Macclesfield.—Pet. f. June 18.

**ROBERTS, EVAN**, Leek, Staffordshire, assistant surgeon, July 7, Leek. Off. Ass. Bloore; Sol. Redfern, Leek.—Pet. f. June 20.

**ROWLAND, THOMAS WILLIAM**, Great Coggeshall, Essex, labourer, July 7, Braintree. Off. Ass. Cunningham; Sols. Hustler & Co., Halstead.—Pet. f. June 9.

**SMITH, JOHN**, Cockermouth, Cumberland, innkeeper, July 6, Cockermouth. Off. Ass. Waugh; Sol. Hayton, Cockermouth.—Pet. f. June 16.

**STEWART, WILLIAM**, Darlaston, Staffordshire, tailor, July 8, Walsall. Off. Ass. Clarke; Sol. Brevitt, Darlaston.

**STRINGER, CHARLES**, Northampton, blacksmith, July 11, Northampton. Off. Ass. Dennis; Sols. Shield & Co., Northampton.—Pet. f. June 18.

**TANKER, WILLIAM**, Dutton, Northamptonshire, farmer, July 11, Northampton. Off. Ass. Dennis; Sol. Rawlins, Market Harborough.—Pet. f. May 5.

**TAYLOR, HENRY JAMES**, Woodbridge, Suffolk, corn chandler, July 9, Woodbridge. Off. Ass. Reeve; Sol. Pollard, Ipswich.—Pet. f. June 19.

**TELLING, JAMES**, Bristol, confectioner, July 3, Bristol. Off. Ass. Harley; Sols. Clifton & Co., Bristol.—Pet. f. June 19.

**THOMAS, JAMES**, Redruth, Cornwall, mining agent, July 10, Exeter. Off. Ass. Hirtzel; Sols. Paull & Co., Redruth; Campion, Exeter.—Pet. f. June 20.

**TINKLER, HENRY**, Sedgefield, Durham, grocer, July 6, Stockton-on-Tees. Off. Ass. Crosby; Sol. Lisle, Durham.—Adj. July 17.

**TRIST, THOMAS**, Dittisham, Devonshire, July 4, Totnes. Off. Ass. Bryett.—Adj. June 15.

**WEBB, WILLIAM**, Leeds, dealer in pictures, July 6, Leeds. Off. Ass. Carrick.—Adj. June 18.

**WHITE, GEORGE**, Frimley, Surrey, commercial agent, July 3, Farnham. Off. Ass. Hollett; Sol. White, Guildford.—Pet. f. June 10.

**WILLS, HENRY CHARLES**, Bristol, bookseller, July 3, Bristol. Off. Ass. Miller; Sols. Ashurst & Co., Old Jewry, London; Bevan & Co., Bristol.—Pet. f. June 5.

**WRAO, JAMES**, Barnsley, Yorkshire, pork butcher, July 6, Leeds. Off. Ass. Carrick; Sol. Bradley, Castleford.—Pet. f. June 17.

#### BANKRUPTCY ANNULLED.

**TILDESLEY, THOMAS**, Ecclehall, Staffordshire, farmer.

#### PARTNERSHIP DISSOLVED.

**WHITELOCK, JOHN WILLIAM**, and **DE GREX, WILLIAM FRANCIS**, Seelsie-street, Lincoln's-inn, attorneys and solicitors.

The Queen has been pleased by letters-patent under the Great Seal of the United Kingdom, to constitute and appoint George Loch, Esq., of the Middle Temple, London, to be one of her Majesty's Counsel learned in the law.

His Royal Highness the Prince of Wales has been pleased, pursuant to the act of Parliament in that behalf, to appoint Arthur Gore Lloyd, Gent., of the Duchy of Cornwall Office, Buckingham-gate, Westminster, to act as attorney and solicitor in the affairs of the Duchy of Cornwall.

**COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen to be London Commissioners to administer oaths in the High Court of Chancery:—For England—Rowland Augustus Griffith Davies, of Penzance, Cornwall; Thomas Greensit Hamer, of Barnsley, Yorkshire; and Francis Hampson, of Manchester.

Mr. John William Hawkins has been appointed a Commissioner of the Supreme Court of Queensland to take bail and affidavits, and also to examine witnesses in all actions and proceedings in the said Court, within the United Kingdom.

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Printed by HENRY HANSARD, at his Printing Office, in Parker Street, in the Parish of St. Giles-in-the-Fields, in the County of Middlesex; and published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan-in-the-West, in the City of London, by HENRY SWEET, residing at No. 34, Porchester Terrace, Baywater, in the County of Middlesex.—Saturday, June 27, 1863.

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## GAZETTES.—FRIDAY, June 26.

## BANKRUPTS.

*To be heard in London.*

- ASHFORD, THOMAS FRANCIS, Denbigh-street, Pimlico, out of employ, July 7. *Off. Ass. Cannan; Sol. Murray, 30½, Great St. Helena.*—*Pet. f. June 23.*
- BARNETT, HENRY, Barnsbury-villas, Liverpool-road, Islington, newspaper writer, July 14. *Off. Ass. Stansfeld; Sols. Harrison & Co., 24, Old Jewry.*—*Pet. f. June 24.*
- BATTEN, EDWARD WILLIAM, Market-place, Junction-road, Upper Holloway, clerk in the Royal Exchange Insurance Company, July 15. *Off. Ass. Graham; Sols. Lovell & Co., Gray's-inn.*—*Pet. f. June 22.*
- BEARCROFT, EDWARD CHARLES KING, Downham-market, Norfolk, clerk in holy orders, July 7. *Off. Ass. Cannan; Sol. Brook, 1, New-inn, Strand.*—*Pet. f. June 22.*
- BRADLAND, JOHN, Slittingbourne, Kent, watchmaker, July 15. *Off. Ass. Graham; Sols. Harrison & Co., Old Jewry.*—*Pet. f. June 24.*
- BREMERIDGE, EDWARD RICHARD, Piccadilly, upholsterer, July 7. *Off. Ass. Edwards; Sols. Willoughby & Co., 13, Clifford's-inn.*—*Pet. f. June 22.*
- CLARK, JOHN BUSBY, West Strand, lamp manufacturer, July 7. *Off. Ass. Cannan; Sol. Cooke, 30, King-street, Cheap-side.*—*Pet. f. June 23.*
- COTTRELL, MARY ANN, Walton-on-the-Thames, Surrey, market gardener, July 15. *Off. Ass. Graham; Sols. Lawrence & Co., 14, Old Jewry-chambers.*—*Pet. f. June 22.*
- DAVIS, HENRY HART, Ealing, civil engineer, July 14. *Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers.*—*Pet. f. June 24.*
- EATON, EDWARD, Wellington-place, Wandsworth-road, Vauxhall, butcher, July 15. *Off. Ass. Graham; Sol. Heathfield, 19, Lincoln's-inn-fields.*—*Pet. f. June 23.*
- ELLIS, EDWARD GEORGE, James-street, Oxford-street, carpenter, July 7. *Off. Ass. Stansfeld; Sol. Wright, 25, Bedford-row.*—*Pet. f. June 23.*
- FERGUSON, WILLIAM RAMKIN, Charles-street, Haymarket, of no occupation, July 7. *Off. Ass. Stansfeld; Sol. Flower, 28, Bedford-row, Holborn.*—*Pet. f. June 20.*
- FRANCIS, JOSEPH, Bedford, builder, July 6. *Off. Ass. Edwards; Sols. Emmet & Co., 14, Bloomsbury-square.*—*Pet. f. June 19.*
- GILLMAN, LEON, Newman-street, Oxford-street, teacher of fencing, July 14. *Off. Ass. Cannan; Sol. Levy, 29, Henrietta-street, Covent-garden.*—*Pet. f. June 24.*
- HART, JUDAH, Pitfield-street, Hoxton, fish dealer, July 7. *Off. Ass. Stansfeld; Sol. Beard, 10, Basinghall-street.*—*Pet. f. June 24.*
- HILL, HENRY, Caddock-street, Priests of Wales-road, Haverstock-hill, and Hertford-heath, Hertfordshire, bricklayer's foreman, July 7. *Off. Ass. Cannan; Sol. Cooper, 9, Charing-cross.*—*Pet. f. June 22.*
- JACKSON, CHARLES, Farnborough, Kent, general-shop keeper, July 7. *Off. Ass. Edwards; Sol. Murrough, 18, Warwick-court, Gray's-inn.*—*Pet. f. June 23.*
- JENNINGS, MARY, St. Paul's-road, Camden-town, lodging-house keeper, July 15. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. June 24.*
- LOWDEN, THOMAS, Goldsmith-street, and Gutter-lane, City, fancy ware-houseman, July 7. *Off. Ass. Edwards; Sol. Poole, 58, Bartholomew-close.*—*Pet. f. June 22.*
- MUFFETT, RUBEN, Hadley-street North, Kentish-town, builder, July 7. *Off. Ass. Stansfeld; Sols. Denton & Co., 15, Gray's-inn-square.*—*Pet. f. June 23.*
- PARKER, HENRY, Woolwich, shipwright, July 15. *Off. Ass. Stansfeld; Sol. Cooper, 9, Charing-cross.*—*Pet. f. June 22.*
- PETTER, JAMES, Upper Clifton-street, St. Leonard, Shoreditch, gas-fitter, July 14. *Off. Ass. Cannan; Sols. Le Blanc & Co., 18, New Bridge-street.*—*Pet. f. June 24.*
- PURDY, GEORGE, Harwood-street, Kentish-town, boot maker, July 7. *Off. Ass. Edwards; Sol. Hale, 8, Old Jewry.*—*Pet. f. June 22.*
- SAUNDERS, CHARLES WILLIAM, Rufford's-buildings, High-street, Islington, trimming seller, July 7. *Off. Ass. Cannan; Sol. Silvester, 18, Great Dover-street, Newington.*—*Pet. f. June 23.*
- SMALE, EDGAR, Wenlock-road, St. Leonard, Shoreditch, brewer's assistant, July 15. *Off. Ass. Graham; Sols. Halse & Co., 61, Cheap-side.*—*Pet. f. June 24.*
- STOCK, ALFRED GREGORY, Westbourne-grove, Bayswater, milliner, July 15. *Off. Ass. Stansfeld; Sols. Treherne & Co., 13, Barge-yard-chambers, Bucklersbury.*—*Pet. f. June 22.*
- TACKLE, STEPHEN BARROW, Deptford, attorney's clerk, July 7. *Off. Ass. Edwards; Sol. Holmes, 158, Fenchurch-street.*—*Pet. f. June 24.*
- WELCH, BENJAMIN, Fordingbridge, Hampshire, boot maker, July 15. *Off. Ass. Graham; Sols. Sandys & Co., 5, Gray's-inn-square.*—*Pet. f. June 22.*

*To be heard in the Country.*

- ADDISON, LEONARD, Dalton, Lancashire, out of business, July 8, Manchester. *Off. Ass. Fraser; Sol. Slater, Manchester.*—*Pet. f. June 22.*
- ARCHBUTT, HANNAH, Cottingham, Yorkshire, publican, July 6, Hull. *Off. Ass. Phillips; Sols. Summers, Kingston-upon-Hull.*—*Adj. June 13.*
- BREKETT, WILLIAM BURMAN, Wolverhampton, tailor, July 7, Wolverhampton. *Off. Ass. Brown; Sol. Walker, Wolverhampton.*
- BLUCK, EDWARD, Liverpool, attorney-at-law, July 27, Birkenhead. *Off. Ass. Gill; Sol. Feltham, Birkenhead.*—*Pet. f. June 23.*
- BROOMHEAD, SAMUEL GEORGE, Liverpool, butcher, July 10, Liverpool. *Off. Ass. Turner.*—*Adj. June 20.*
- BROWN, JOHN HARRISON, Liverpool, draper, July 10, Liverpool. *Off. Ass. Turner.*—*Adj. June 20.*
- BUNYELL, JOHN, Chester, publican, July 10, Chester. *Off. Ass. Wason; Sol. Chorton, Chester.*—*Pet. f. June 19.*
- BURKINSHAW, THOMAS, Sheffield, file manufacturer (and not tile manufacturer, as previously advertised), July 15, Sheffield. *Off. Ass. Wake; Sol. Broadbent, Sheffield.*—*Pet. f. June 22.*

- BURN, JOHN, Bristol, cocoa merchant, July 10, Bristol. *Off. Ass. Acraman; Sols. Bevan & Co., Bristol.*—*Pet. f. June 15.*
- CANN, MICHAEL, Norton, Derbyshire, scythe manufacturer, July 15, Sheffield. *Off. Ass. Wake; Sol. Binney, Sheffield.*—*Pet. f. June 25.*
- CARR, LEONARD, Blackburn, Lancashire, joiner, July 14, Manchester. *Off. Ass. Herniman; Sol. Gardner, Manchester.*—*Adj. June 17.*
- CAWOOD, AUGUSTUS JOSEPH, Cardigan, Cardiganshire, managing attorney's clerk, July 10, Cardigan. *Off. Ass. Smith; Sol. Smith, Cardigan.*—*Pet. f. June 22.*
- CORKE, JOHN GEORGE, Seal, Kent, agricultural labourer, July 6, Sevenoaks. *Off. Ass. Holcroft; Sol. White, 70, Russell-square.*—*Pet. f. June 20.*
- CROSS, THOMAS, West Bromwich, ironmaster, July 10, Birmingham. *Off. Ass. Whitmore; Sols. James & Co., Birmingham.*—*Pet. f. June 22.*
- CAOSS, WILLIAM, Hulme, in no business, July 11, Salford. *Off. Ass. Hulme; Sol. Swan, Manchester.*—*Adj. June 23.*
- CROSTWATTE, JOHN MAUGHAN, Manchester, beerseller, July 9, Manchester. *Off. Ass. Fraser; Sol. Gardner, Manchester.*—*Adj. June 16.*
- CURSTON, JOHN, Madeley, Shropshire, dealer in stationery, July 11, Madeley. *Off. Ass. Potts; Sol. Walker, Wellington.*—*Pet. f. June 16.*
- DEARDEN, GEORGE, Hay, Brecknock, woollen manufacturer, July 16, Hay. *Off. Ass. James; Sol. Games, Hay.*—*Pet. f. June 20.*
- DITCHBURN, DENT WATERLOO, Monkwearmouth, Durham, miller, July 10, Bishopwearmouth. *Off. Ass. Marshall; Sol. Graham, Sunderland.*—*Pet. f. June 23.*
- DUTTON, THOMAS, Salford, Lancashire, merchant, July 10, Manchester. *Off. Ass. Herniman; Sols. Atkinson & Co., Manchester.*—*Pet. f. June 20.*
- EDWARDS, ROBERT, Ruthin, Flintshire, agent, July 9, Ruthin. *Off. Ass. Edwards; Sol. Louisa, Ruthin.*—*Pet. f. June 24.*
- EDWARDS, WILLIAM, Worcester, labourer, July 14, Worcester. *Off. Ass. Hill.*—*Adj. June 12.*
- EMERY, SAMUEL ANDERSON, Liverpool, comedian, July 13, Liverpool. *Off. Ass. Morgan; Sols. Littledale & Co., Liverpool.*—*Pet. f. June 25.*
- EVANS, JAMES, Pembroke Dock, Pembrokeshire, cabinet maker, July 11, Pembroke. *Off. Ass. Lanning; Sol. Parry, Pembroke Dock.*—*Pet. f. June 23.*
- FARMER, JOHN, Warbleton, Sussex, out of business, July 8, Lewes. *Off. Ass. Blaker; Sol. Goodman, Brighton.*—*Pet. f. June 23.*
- FLUCK, CHARLES, Sudbury, Suffolk, grocer, July 9, Sudbury. *Off. Ass. Andrews; Sol. Curdinal, Halesdend.*—*Pet. f. June 9.*
- FORSTER, JOHN, Little Bolton, Lancashire, joiner, July 8, Bolton. *Off. Ass. Holden; Sol. Edge, Bolton.*—*Pet. f. June 22.*
- FRANKLIN, THOMAS, St. Neots, Huntingdonshire, innkeeper, July 9, St. Neots. *Off. Ass. Day; Sols. Wilkinson & Co., St. Neots.*—*Pet. f. June 22.*
- FULLWOOD, EDWARD, Bristol, cement manufacturer, July 10, Bristol. *Off. Ass. Miller; Sol. Henderson, Bristol.*—*Pet. f. June 24.*
- FUSEBY, ROBERT ARTHUR, Kingston-upon-Hull, contractor, June 27, Hull. *Off. Ass. Phillips; Sol. Reed, Kingston-upon-Hull.*—*Pet. f. June 18.*
- GADSBY, DECEMUS, Croxall, Derbyshire, farmer, July 15, Nottingham. *Off. Ass. Harris; Sols. Gamble & Co., Derby; James & Co., Birmingham.*—*Pet. f. June 22.*
- GARDNER, FREDERICK, Cheltenham, Gloucestershire, blacksmith, July 7, Cheltenham. *Off. Ass. Gale; Sol. Marshall, Cheltenham.*—*Pet. f. June 18.*
- GIBBS, WILLIAM, Churston Ferrers, Devonshire, shipbuilder, July 4, Totnes. *Off. Ass. Bryet; Sol. Michelmore, Totnes.*—*Pet. f. June 23.*
- GOSLING, THOMAS, Liverpool, commission agent, July 13, Liverpool. *Off. Ass. Turner; Sols. Littledale & Co., Liverpool.*—*Pet. f. June 24.*
- HILLS, HENRY, Sheffield, grocer, July 11, Sheffield. *Off. Ass. Young; Sols. Gould & Co., Sheffield.*—*Pet. f. June 20.*
- HINES, EDWARD, Dover, pork butcher, July 8, Dover. *Off. Ass. Greenhow.*—*Adj. June 15.*
- HOWELL, RICHARD, Langonoyd, near Bridgend, Glamorganshire, miners' overman, July 11, Bridgend. *Off. Ass. Lewis; Sol. Stockwood, Bridgend.*—*Pet. f. June 23.*
- KITE, ROBERT, West Hailham, Derbyshire, schoolmaster, July 23, Derby. *Off. Ass. Weller; Sol. Heathcote, Nottingham.*—*Pet. f. June 22.*
- LAVERICK, JOSEPH, Shap, Westmoreland, tailor, July 9, Penrith. *Off. Ass. Varty; Sol. Cant, Penrith.*—*Pet. f. June 24.*
- LEE, RICHARD, Back Urmoston, near Manchester, butcher, July 14, Manchester. *Off. Ass. Herniman; Sol. Gardner, Manchester.*—*Adj. June 17.*
- M'KIBBIN, ELIZABETH, Liverpool, lodging-house keeper, July 10, Liverpool. *Off. Ass. Morgan.*—*Adj. June 20.*
- MAYOS, JOHN, Sheffield, shoemaker, July 15, Sheffield. *Off. Ass. Wake; Sol. Broadbent, Sheffield.*—*Pet. f. June 24.*
- MERRY, JOHN, Burton-upon-Trent, Staffordshire, butcher, July 11, Burton. *Off. Ass. Hubbersty; Sol. Duignan, Walsall.*—*Pet. f. June 16.*
- MOYKHOUSE, GEORGE, Castle Sowerby, Cumberland, agricultural labourer, July 8, Penrith. *Off. Ass. Varty; Sol. Arison, Penrith.*—*Pet. f. June 22.*
- NABLE, VALENTINE, Ottery St. Mary, Devonshire, labourer, July 6, Honiton. *Off. Ass. Stamp; Sol. Floud, Exeter.*—*Pet. f. June 22.*
- PACHER, JAMES, Wantage, Berkshire, plumber, July 29, Wantage. *Off. Ass. Jotcham; Sol. Cave, Newbury.*—*Pet. f. June 15.*
- PARKS, SELINA, Aston, Warwickshire, silversmith, July 13, Birmingham. *Off. Ass. Whitmore; Sol. Suckling, Birmingham.*—*Pet. f. June 24.*
- POOLE, ALBERT, Dawley, Shropshire, druggist, July 11, Madeley. *Off. Ass. Potts; Sol. Walker, Wellington.*—*Pet. f. June 23.*
- POWELL, EDWIN, Hereford, plumber, July 13, Birmingham. *Off. Ass. Kinnear; Sol. Suckling, Birmingham.*—*Pet. f. June 22.*

## CONTENTS.

London Gazettes.....	243
Leading Article .....	243
Separate Estate in Land .....	244
West India Incumbered Estates Court .....	246
Imperial Parliament .....	246
Statutes passed during the present Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Ex parte</i> Cazeneau, in re Cazeneau.—( <i>Bankruptcy—Release by creditors—Application to expunge proofs</i> ) .....	655
--	-----

## COURT OF APPEAL IN CHANCERY.

By C. MARRETT, Barrister at Law.

<i>Nosotti v. Jefferson</i> .—( <i>Executor—Specialty debt</i> ) ..	666
---	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

<i>In re</i> Chapman's Will.—( <i>Will—Construction—Substituted gift</i> ) .....	657
<i>Cowen v. Phillips</i> .—( <i>Metropolitan Building Act, 1855 (18 &amp; 19 Vict. c. 122—"Adjoining owners")</i> ) ..	657

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

<i>Williams v. Cooke and Others</i> .—( <i>Married woman—Assignment of wife's interest—Deed acknowledged—Equity to a settlement</i> ) .....	658
---	-----

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

<i>Maunsell v. The Midland Great Western Railway (of Ireland) Company</i> .—( <i>Company—Agreement ultra vires</i> ) .....	660
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## COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

<i>Pease and Others v. Chaytor and Another</i> .—( <i>Church rate, disputing validity of—Bona fides—Jurisdiction of justices—53 Geo. 3, c. 127, ss. 7, 12—County court—Judgment in replevin—Bar to action</i> ) .....	664
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## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

<i>Levison and Others v. Lane and Another</i> .—( <i>Bill of exchange—Acceptance by one of several partners—Liability of firm</i> ) .....	670
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## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

<i>Knapp v. The London, Chatham, and Dover Railway Company</i> .—( <i>Pleading—Lands Clauses Consolidation Act, 8 &amp; 9 Vict. c. 18—Compensation</i> ) ..	671
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## COURT OF PROBATE.

By DR. MIDDLETON.

<i>Mitchell v. Gard and Kingwill</i> .—( <i>Testamentary suit—Pleading—Not the will of the deceased—Legacies omitted against the wishes of the deceased</i> ) ..	673
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## COURT OF ADMIRALTY.

By W. ERNST BROWNING, Barrister at Law.

<i>The Louisa</i> .—( <i>Objection to jurisdiction—Absolute appearance—Value of property saved—Merchant Shipping Act, sect. 480—Merchant Shipping Act Amendment Act, 1862, sect. 49</i> ) .....	676
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## THE JURIST.

LONDON, JULY 4, 1863.

WE return to the consideration of the speech made by the Lord Chancellor on bringing into the House of Lords his bill for the revision and expurgation of the statute law. Since our former notice of the subject (*ante*, p. 223), that speech, corrected under his Lordship's supervision, has been published in a pamphlet, by Mr. Macqueen, Q. C., "with notes, chiefly containing citations, which were omitted for the sake of brevity." Mr. Macqueen has done good service by presenting the Profession and the public with an authentic report of this important speech; and we are happy to be able to add, that our quotations from it, as reported in *The Times*, differ in no material respect from the pamphlet.

We concluded with the Lord Chancellor's first proposal, namely, to revise and expurgate the reports, by which means his Lordship hopes to reduce them to one-tenth of their present bulk. This, however, to use a common expression, is a thing more easily said than done. That the number of our reports is excessive, and that a reduction of them would be hailed as a national benefit, is beyond dispute; but the task is one requiring a profound knowledge of the law, combined with the greatest judgment, and impartiality. Before the compilers of such a Digest omit any reported case from their collection, they must be indisputably satisfied, not only that it either never was law, or has ceased to be so, but that it cannot serve to illustrate any part of our jurisprudence.

The Lord Chancellor next directs his attention to the statute law, between which and the common law there is, he says, in this respect a remarkable similarity. After describing the present voluminous and unsatisfactory state of our statute-book, his Lordship proceeds:—"This, then, being the state of the law and of the statute-book, what I propose is the course dictated by natural good sense, that it shall be revised and expurgated—weeding away all those enactments that are no longer in force, and arranging and classifying what is left under proper heads, bringing the dispersed statutes together, eliminating jarring and discordant provisions, and thus getting a harmonious whole, instead of having, as at present, a chaos of inconsistent and contradictory enactments. With that view, we have with considerable care, and, I am sorry to say, after a longer period of time than I had desired, as the first step, examined and revised the whole of the statute roll from the 20th Henry III down to nearly the end of the eighteenth century. The statutes that are weeded out may be described as those which are no longer applicable to the modern state of society—enactments which have become wholly obsolete—enactments which have been repealed by obscure and indirect processes, which is one of the evils with which we have to contend, because it perpetually happens that a particular enactment is, in effect, repealed without its being said so by the indirect process of another general law. Sometimes it is repealed silently by the introduction of another rule, if that rule be inconsistent; but while these conflicts exist, and until they are extirpated from the statute-book, they are and will be constantly the cause of uncertainty. I may just bring to your recollection how common it is in a

modern act of Parliament to say, 'all former enactments inconsistent with this act are hereby repealed.' Or you repeal so much of an act as relates to such and such a matter, but it is often extremely difficult to determine what is inconsistent, and what is included in the words 'relating to.' But the plan goes farther:—"When the statute-book has been cleared of superfluous and unnecessary matter, I hope to propose that another process be gone through to which the previous labour is merely introductory. The enactments spread throughout the statute-book relating to different subjects must be brought together in a collected form. I shall propose, therefore, to have a systematic classification of the subject-matter of your legislation, preserving, however, the order of time, because the order of time in regard to enactments is most material for the proper understanding of the law, but arranging the different portions of the statute-book under appropriate heads, so as to present an accurate and methodical analysis of the law comprised under each head. And I hope, concurrently with this, that the corresponding parts of the common law extracted from the reports may be added, so that in that shape you may have a digest of the present law, both common and statute."

Here, again, we say, are things more easily said than done. It is very easy to say, and it seems to many a very simple matter to accomplish, "clear the statute-book of all useless statutes, and of all statutes which are repealed, either directly or indirectly, either by having fallen into disuse, or being inconsistent with subsequent enactments." But let any person take the thing in hand, he will soon find what he has to encounter.

In the first place, it by no means follows, that because a statute is repealed in order to make room for an improved one on the same subject, the former should be removed from the statute-book. The first statute has received a judicial construction, which, together with the statute itself, supplies the key to the understanding and construction of the amending act. Instances of this are to be found in every part of our law, especially the criminal portion.

But a task infinitely more difficult presents itself, when we proceed to determine what statutes are repealed by implication. Whether a given statute is inferentially repealed by a subsequent one, in which no allusion is made to it, is often a very embarrassing question to judicial tribunals, and one which cannot be satisfactorily disposed of without the fullest argument and deepest consideration. But the codifier or consolidator of our statute laws takes all such moot cases into his own consideration in camera, determines for himself what statutes are still in force, and what are impliedly repealed, and lays his conclusions before the world as something from which there is no appeal, and which is to be stereotyped into our law.

Many instances might be given illustrative of the difficulties to be encountered in carrying out such a plan; but we will confine ourselves to one, which we select as involving a very important constitutional question. What will the persons intrusted with this most responsible duty do with the 13 Car. 2, st. 1, c. 5, by which it is enacted, "That not more than twenty names shall be signed to any petition to the King or either House of Parliament, for any alteration of matters established by law in Church or State; unless the contents thereof be previously approved, in the country, by three justices, or the majority of the grand jury at the assizes or quarter sessions; and, in London, by the lord mayor, aldermen, and common council?" And in the same section is the further provision, "That no petition shall be delivered by a company of more than ten persons; on pain in either

case of incurring a penalty not exceeding 100*l.* and three months' imprisonment." Is this statute repealed or not by the Bill of Rights, 1 Will. & M., st. 2, c. 2, by which it is declared that the subject hath a right to petition; and that all commitments and prosecutions for such petitioning are illegal? Mr. Justice Blackstone, in two places (1 Bl. Com. 147; 4 Id. 148) gives his decided opinion in the negative; and on the trial of Lord George Gordon for high treason in 1781, at the bar of the King's Bench, (Doug. 591, 593), Lord Mansfield told the jury, that he had never heard it supposed that the 13 Car. 2, st. 1, c. 5, was repealed; and that "it was the joint and clear opinion of the whole Court, that the Bill of Rights did not mean to meddle with it at all; that neither that, nor any other act of Parliament, had repealed it; and that it was in full force."

He would be a bold man who would contend at the present day, that the first part of this section is still in force—that petitions to the Sovereign or the Legislature, couched in proper language, are illegal, on the ground that they bear more than twenty signatures, and do not emanate from any of the privileged bodies specified in the statute. On the other hand, however, the second part of that section, prohibiting the presenting of petitions by a company of more than twenty persons, was treated, and perhaps, rightly, as being in force, by the Government of the day, in their proclamation denouncing the proposed Chartist meeting on Kennington Common on the 10th April, 1848, and we believe on some other occasions.

Want of space again compels us to leave unfinished our examination of this important speech.

#### SEPARATE ESTATE IN LAND.

IN *Harris v. Mott* (14 Beav. 169), a married woman and her husband contracted to sell an estate which had been devised to her in fee for her sole and separate use and benefit. The wife died before the contract was completed, having devised the estate to her husband. The Master of the Rolls, in the absence of authority, and being of opinion that the object of limiting the estate to the wife's separate use was to protect her from her husband, and not to extend her power of disposition, refused to compel the purchaser to take the title without the concurrence of the heir. In the recent case of *Lechmere v. Brothridge* (11 Weekly Rep. 814) the same able judge distinctly decided against the title of the wife's alienees. In that case a testator had devised the Ashchurch estate to trustees, upon trust to permit Mrs. B. to receive the rents and profits during her life for her separate use, and after her decease, upon trust to permit her husband to receive the rents and profits during his life; and he gave the residue of his real and personal estate to trustees, upon trust for certain persons for their lives, and then upon trust for Mrs. B. and two other persons, in equal shares, and declared that the share of Mrs. B. should be for her separate use. Mrs. B. and her husband executed a mortgage of the Ashchurch estate, and of Mrs. B.'s reversionary share in the residuary real and personal estate. Upon a bill filed by the mortgagees for a sale, and to have the concurrence of the trustees in the conveyance of the Ashchurch property, the Master of the Rolls held, that the mortgagees were entitled to sell the life interest of Mrs. B. in the Ashchurch estate, and her reversionary interest in the personalty, and that the deed did not affect her interest in the residuary real estate. His Honor was of opinion, upon principle and on the authorities, that a married woman could, without acknowledgment, alienate a life interest in real estate settled to her separate use. But

when the inheritance on real estate is given to a married woman for her separate use—the intention being, as in other cases, only to bar the interest of the husband, and not to extend the power of disposition—there is no power over the fee. His Honor said, “The contention is, that the words ‘separate use,’ as regards alienation *inter vivos*\*, have the following, and no other, meaning—viz. ‘I give my estate to A. and her heirs for ever, for her separate use; that is, I do so in order to enable her to dispose of it without any acknowledgment under the statute.’ I am of opinion that it is not in the power of any testator to avoid the statute by the introduction of any such words, any more than he could have done if he had expressed his meaning distinctly thus:—‘I leave Whiteacre to A. and her heirs for ever, and I declare that my intention is that she may dispose of the same without acknowledgment under the stat. 3 & 4 Will. 4, c. 74.’ The common law, independently of equity, treats the wife as the separate owner of the land, so far as the inheritance in it is concerned.” His Honor distinguished *Atcheson v. Le Mann* on the ground that the wife there took a testamentary power; and he refused to be governed by *Adams v. Gamble* (12 Ir. Eq. 102), because the judges of the court which reversed the decision of the Lord Chancellor were not unanimous. With respect to personality, no distinction could be made between vested and reversionary interests, because the husband's right as survivor is to be excluded.

It will be perceived that the decision in *Lechmere v. Brotherhood* was founded solely on these two considerations—first, that the only intention of a trust for separate use is to exclude the marital right; secondly, that a testator or settlor cannot, by a mere expression of intention, repeal the Act for the Abolition of Fines and Recoveries; or rather, dispense with it; for the act is enabling, and not restrictive, and cannot be said to be repealed by an authority to do in one way what it merely allows to be done in another way. So strongly did these considerations operate on the judgment of the Master of the Rolls, that he overruled the decision of the majority of the judges of the Court of Appeal in Ireland. It is, therefore, important to see whether they are well founded on authority or principle. Now, the second ground of decision is one which seems to be inconsistent not only with the authorities, but with the decision in the very case under consideration; for his Honor there held that Mrs. B. took a life interest in the Ashchurch estate for her separate use, which her husband could not dispose of, and that it passed by her own deed, without the aid of the statute; although, but for the trust for her separate use, the husband would only have taken an interest for the joint lives, and the ulterior interest of the wife could not have been passed otherwise than by an acknowledged deed. In so deciding, the Court only followed the authority of *Major v. Lansley* (2 Russ. & M. 355), where it was held that a married woman could dispose of a rent charge, given to her in reversion for her life, for her separate use; and of *Stead v. Nelson* (2 Beav. 245). But it is sufficient to refer to the authorities, which decide that a power over real estate given to a married woman may be exercised without an acknowledged deed, and that in a will, or in a declaration of trust *inter vivos*, any words which shew the intention are sufficient to confer such a power, and to “avoid” or “repeal” the statutory power. The words, “to be at her own disposal,” are sometimes inserted and sometimes omitted from these trusts. Is the ex-

tent of the wife's power to depend on their presence or absence?

Is the other ground of decision—that the sole object of a trust for separate use is to exclude the husband's interest—more tenable? Again, we may refer to the decree of the Master of the Rolls. If that be so, why did he give to the mortgagees the benefit of the interest in the Ashchurch estate which the wife would take if she survived her husband, and which could never have belonged to the husband? On the other hand, we may ask, if the object of a trust for separate use is to exclude the husband and not to protect the wife, is the husband's curtesy excluded by a trust of the inheritance for the wife's separate use, without an express declaration against curtesy as in *Bennett v. Davis* (2 P. Wms. 316)? But generally, seeing that a wife's disability at common law is absolute, and extends indifferently to realty and to personality, so that, independently of powers and trusts, her interests in realty were only alienable by the anomalous contrivance of a fine, while her interests in personality were absolutely inalienable at law and in equity, save so far as the law gave them to her husband, it would follow, if the doctrine of the Master of the Rolls were sound, that a wife's separate estate should be inalienable. It is not necessary, in order to exclude the husband, to confer a power of alienation on the wife; on the contrary, her protection is considered to be incomplete without an express restraint on alienation. But as regards personality, and life interests in realty, at least, it is admitted and settled, that a trust for separate use does not merely exclude the husband, but also enables the wife. And this is the plain meaning of the words by which the trust is ordinarily created, “for the sole and separate use” of the wife. She cannot have the complete use of property unless she has complete dominion over it, so as to charge or sell it, if she will. If the use of land means, as the Master of the Rolls would have it, only the occupation of it, or the receipt of the profits, then the use of a chattel or of a personal fund means the possession of it, or the receipt of the interest or “usance” that the lending of it may bring in. It is settled, however, that this is not the meaning of the trust, even when it is expressed in terms referring exclusively to enjoyment by the wife personally. In *Brandon v. Robinson* (18 Ves. 429; 1 Rose, 197), Lord Eldon said:—“In regard to property given to the separate use of married women, the directions originally were, that the money was to be paid into their proper hands, and their receipts alone to be a discharge. It was held that a married woman might dispose of property so given to her, and that her assignee might take it, as this Court would compel her to give her own receipt in affirmance of her contract. It was not before Miss Watson's case that these words, ‘not be paid by anticipation,’ were introduced.” So in *Pybus v. Smith* (1 Ves. jun. 189), the question arising upon a direction to pay the rent of real estate to a married woman, or to such persons as she should “from time to time” appoint, Lord Thurlow, after consideration, held, that the words “from time to time” did not forbid a sweeping appointment of the whole. “So far forth as the instrument creating her separate estate makes her proprietor, so far she is a *feme sole*.” (P. 193). In *Haig v. Swiney* (1 Sim. & S. 489), Sir John Leach, following *Ellon v. Shepherd* (1 Bro. C. C. 532), held, that an absolute interest in a sum of stock given to trustees, passed under a trust to “apply and dispose of the interest and dividends thereof, as the same shall from time to time arise and be received, into the hands of Maria, wife of James Haigh, or otherwise to permit and suffer her to receive the same for her own sole and separate use and benefit, to the intent that

\* Referring to *Atcheson v. Le Mann* (23 Law T. 302), as to the effect in giving a devising power.

the same may not be at the disposal of, or subject to the control or engagement of, her present or any after taken husband." And it is admitted that the property so taken was alienable. In *Sturgis v. Corp* (13 Ves. 192), Sir W. Grant held, that a reversionary interest in a fund given to a married woman for her separate use was alienable by her, expressly on the ground that "she was as to that property a feme sole." "All the cases shew that the personal<sup>o</sup> property, where it can be enjoyed separately, must be so with all its incidents, and the *jus disponendi* is one of them." Per Lord Thurlow, in *Fettiplace v. Gorges* (3 Bro. C. C. 10), where it was strenuously argued against the wife's legatee, that the sole intent of the trust was to exclude the husband. See 9 Ves. 375. "It being once settled that a wife might enjoy separate estate as a feme sole, the laws of property attached to this new estate, and it was found, as part of that law, that the power of alienation belonged to the wife, and was destructive of the security intended for it. Equity again interfered, and, by another violation of the law of property, supported the validity of the prohibition against alienation." (Per Lord Cottenham, C., in *Tullett v. Armstrong*, 4 My. & C. 345).

The only authorities in favour of the recent decision are *Churchill v. Dibben* (2 Ld. Ken., part 2, pp. 68, 84; 9 Sim. 447, note) and *Peacock v. Monk* (2 Ves. sen. 190), both decisions of Lord Hardwicke, and identical in substance. A wife, entitled under her marriage settlement to real and personal estate for her separate use, with a general testamentary power over the real estate, purchased real estate with her savings, and took a conveyance of the fee to herself. It was held, that the real estate so purchased did not pass in equity by her will, although leaseholds purchased with her savings did pass. In the earlier case, one estate was in contract when the testatrix died. "All these purchased estates are legal estates in her, subject to the rules of law, and therefore not devisable by virtue of her ownership, on account of her incapacity, nor by virtue of any power, for there neither was, nor could be, any such power. If the husband should agree generally with his wife, that she should have a power to make a will, and dispose of her real estate, it would be void†. The land contracted for must be considered as if the conveyance had been executed." In the later case, Lord Hardwicke spoke with much more hesitation against the validity of an ante-nuptial agreement for a devising power. As to the purchased estate, "she has purchased it so as to go directly to her heirs; for she takes the conveyance directly of the legal estate to herself and her heirs—not to trustees." These cases seem to have turned on the consideration, that the wife, by taking a conveyance to herself, without reserving any power or trust, must be considered to have abandoned her separate interest; so that it would have been held, that her husband could have claimed the rents during her life. The authority of these judgments of Lord Hardwicke is very much weakened by their containing the erroneous doctrine, that an ante-nuptial agreement for a devising power is ineffectual, which has been clearly overruled (*Rippon v. Dauding*, Amb. 565; *Wright v. Cadogan*, 1 Bro. P. C. 486; *Master v. De Croesman*, 11 Beav. 184; *Field v. Moore*, 7 De G., Mac., & G. 703); and, at the most,

they do not extend to the case of an express trust for separate use. The dictum of Sir R. T. Kindersley, V. C., in *Moore v. Morris* (4 Drew. 33); repeated in *Blackford v. Woolley* (9 Jur., N. S., part 1, p. 569), in accordance with the decision of the Master of the Rolls, had no bearing on the case in hand; and what little weight is due to it is balanced by the contrary dicta of Sir J. Leach, V. C., in *Minot v. Eaton*, (4 L. J., Ch., 134), and of Sir G. J. Turner, L. J., in *Atcheson v. Le Mann* (23 Law T. 302).

On the whole, it is submitted, that authority and principle are in favour of the absolute power of disposition of a married woman over her separate interest in real estate settled for her separate use.

G. S.

## WEST INDIAN INCUMBERED ESTATES COURT,

Park-street, Westminster, June 23.

[Before H. J. STONOR, Esq., Chief Commissioner.]

*In re George Price, ex parte Lady Dunsany and Others.*

The Worthy Park Estate, containing 4122 acres, situate in the island of Jamaica, and said to be the finest estate in the island, was sold by auction for 8550*l.*, exclusive of the stock, to be taken at a valuation. Mickleton Pen, containing 623 acres, was sold for 300*l.*

Solicitors for the petitioners, Messrs. Stephens & Son.

*In re Edward Hyde Clarke, ex parte George Rochfort Clarke.*

The Swanswick Estate, containing 1161 acres, in the same island, was sold for 2300*l.* on the same terms. Solicitors for the petitioners, Messrs. Bell, Stewart, & Lloyd.

*In re Hiatt and Pink, ex parte James Davidson.*

Up Park Pen, containing 682 acres in the same island, was sold for 1500*l.* on similar terms.

Solicitors for the petitioners, Messrs. Tuke & Valpy.

Messrs. Leifchild & Cheffins acted as the auctioneers of the court.

There was a large attendance and considerable competition, and the prices were considered very good under the circumstances, and certainly shewing a rise in the value of West Indian property.

## Imperial Parliament.

HOUSE OF LORDS.—Friday, June 26.

The Innkeepers' Liability Bill passed through committee. The Security against Violence Bill was read a third time and passed.

Monday, June 29.

Lord Brougham withdrew his Councils of Reconciliation Bill, with the view of bringing in a new one.

HOUSE OF COMMONS.—Friday, June 26.

The Partnership Law Amendment Bill was committed pro forma.

The Misappropriation by Servants Bill passed through committee.

Tuesday, June 30.

POISONING BILL.

Lord Raynham moved the second reading of the Poisoning Bill.

Sir G. Grey opposed the measure, which appeared to go beyond what was at all necessary. He moved that it be read a second time that day three months.

The amendment was agreed to without a division.

\* This referred to the question in *Peacock v. Monk* (2 Ves. sen. 190), whether a contract on marriage could bind the wife's heir without a fine.

† It is evident from the context, and also from the judgment in *Peacock v. Monk*, that the Lord Chancellor was here referring to an ante-nuptial agreement, and not, as Sir G. J. Turner, L. J., assumes in *Field v. Moore* (7 De G., Mac., & G. 703), an agreement after marriage.

## CORPORAL PUNISHMENT IN SCHOOLS BILL.

Lord *Raynham* in moving the second reading of this bill, stated that its object was to prevent corporal punishment being inflicted in schools with any instrument except a birch rod.

Sir *G. Grey* thought that this was a subject to which it was rather ridiculous to invite the attention of the House, and opposed the second reading of the bill.

Mr. *Locke* supported the bill.

Lord *H. Trevor* moved that the bill be read a second time that day three months.

Mr. *Bass* expressed his approval of the bill. He at the same time moved advise the noble lord who had introduced it to postpone its consideration to a future session, when it might be introduced sufficiently early to admit of its being duly discussed.

After a few words from Mr. *Lygon* and Mr. *Coringham*, the motion for the second reading of the bill was negatived.

**RUSSELL, EDWARD**, Manchester, baker, July 13, Manchester. Off. Ass. Kay; Sol. Gardner, Manchester.—Pet. f. June 23.  
**SIDGALL, GEORGE**, Openshaw, Lancashire, baker, July 14, Manchester. Off. Ass. Fraser; Sol. Gardner, Manchester.—Adj. June 17.  
**SLACK, RICHARD**, Willenhall, Staffordshire, licensed victualler, July 10, Birmingham. Off. Ass. Kinneer; Sol. Walker, Birmingham.—Pet. f. June 24.  
**SMITH, JOHN**, Oadby, Leicestershire, butcher, July 11, Leicester. Off. Ass. Ingram; Sol. Watts, Leicester.—Adj. June 15.  
**SMITH, JOHN MORGAN**, Manchester, joiner, July 7, Manchester. Off. Ass. Herniman; Sol. Boots, Manchester.—Pet. f. June 24.  
**SPARROW, CHARLES JAMES**, Cheltenham, Gloucestershire, dealer in china, July 10, Bristol. Off. Ass. Acraman; Sol. Teynton, Gloucester.—Pet. f. June 23.  
**STREATHFIELD, FREDERICK**, Colwich, Staffordshire, railway station clerk, July 14, Stafford. Off. Ass. Spilisbury; Sol. Crabb, Rugby.—Pet. f. June 24.  
**SUTHERLAND, THOMAS**, Newcastle-upon-Tyne, out of business, July 22, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Bush, Newcastle-upon-Tyne.—Pet. f. June 20.  
**WALLY, WILLIAM**, Blackburn, Lancashire, publican, July 14, Manchester. Off. Ass. Pott; Sol. Gardner, Manchester.—Adj. June 17.  
**WILLIAMS, JOHN HARVEY**, Tenby, Pembrokeshire, of no business, July 11, Pembroke. Off. Ass. Lanning; Sol. Parry, Pembroke Dock.—Pet. f. June 23.  
**YOUNG, JOHN**, Sunderland, chemist, July 10, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Chater & Co., Newcastle-upon-Tyne.—Pet. f. June 17.

## BANKRUPTCY ANNULLED.

**JOHN, EDWARD WILLIAM**, St. Paul's-road, Camden-town, clerk in the Inland Revenue Office.

## TUESDAY, June 30.

## BANKRUPTS.

## To be heard in London.

**ADAMS, GEORGE**, Fenchurch-street, indigo dealer, July 14. Off. Ass. Cannan; Sol. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. June 25.  
**ALBERTON, CHARLES WILLIAM**, East Molesey, Surrey, tobaccoist, July 14. Off. Ass. Stansfeld; Sol. Treherne & Co., 17, Gresham-street.—Pet. f. June 27.  
**ANDERSON, JOHN**, New-wharf, Whitefriars, wine merchant, July 14. Off. Ass. Edwards; Sol. Miller, 10, Philip-lane.—Pet. f. June 24.  
**BRAMONT, WILLIAM HENRY**, Reading, Berkshire, ironfounder, July 14. Off. Ass. Cannan; Sol. Neale, Reading; Holmes, Great James-street, Bedford-row.—Pet. f. June 25.  
**CARRICK, JOHN**, Farnham-place, Bank-road, Ratcliffe, beer seller, July 14. Off. Ass. Cannan; Sol. Lewis, 2, Raymond's-buildings, Gray's-inn.—Pet. f. June 27.  
**CROFT, WILLIAM GARNETT**, Orchard-street, Great Chapel-street, Westminster, cheesemonger, July 14. Off. Ass. Cannan; Sol. Phipps, 20, Coleman-street.—Pet. f. June 25.  
**FARRER, EDWIN**, Tyfford, Hampshire, beer seller, July 14. Off. Ass. Edwards; Sol. Jackson, 19, Basinghall-street.—Pet. f. June 26.  
**FOWLER, THOMAS ELIAS**, Low Leyton and Stratford, Essex, glass cutter, July 14. Off. Ass. Edwards; Sol. King, 29, Queen-street, Cannon-street West.—Pet. f. June 23.  
**GARNION, SAMUEL**, Lower-street, Islington, dealer in marine stores, July 14. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 26.  
**GRANT, ALEXANDER**, Berwick-street, Soho, and Upper Seymour-street, Euston-square, optical sling case maker, July 14. Off. Ass. Edwards; Sol. Peverly, 19, Coleman-street.—Pet. f. June 24.  
**HARR, JOHN**, Bront-place, East-street, Walworth, cab driver, July 14. Off. Ass. Edwards; Sol. Peverly, 19, Coleman-street.—Pet. f. June 25.  
**HAZELL, BENJAMIN THOMAS**, Ebury-dwells, Chester-square, Pimlico, cab driver, July 14. Off. Ass. Stansfeld; Sol. Cooper, 9, Charing-cross.—Pet. f. June 25.  
**HENRYTHORP, WILLIAM**, King-street, Holborn, out of business, July 14. Off. Ass. Stansfeld; Sol. Catchpole, 23, Great Tower-street.—Pet. f. June 26.  
**HINES, WILLIAM**, Warner-street, Dover-road, solicitor, July 15. Off. Ass. Graham; Sol. Wells, 47, Moorgate-street.—Pet. f. June 25.

**HOLLIS, RICHARD AUGUSTUS**, Chapel-street, Sumers-town, out of business, July 14. Off. Ass. Cannan; Sol. Wright, 123, Chancery-lane.—Pet. f. June 25.  
**HOWETWILL, THOMAS WILLIAM QUELICK**, Priests-street, Rotherhithe, medical student, July 14. Off. Ass. Cannan; Sol. Ingle & Co., 37, King William-street.—Pet. f. June 26.  
**LAVERGNE, ALFRED**, Bathbone-place, Oxford-street, watchmaker, July 14. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 24.  
**LYNN, DANIEL**, Newland-place, Kensington, upholsterer, July 14. Off. Ass. Edwards; Sol. Harrison & Co., 24, Old Jewry.—Pet. f. June 26.  
**MACKENZIE, ALEXANDER WEDDERBURN**, Golden-green, Hendon, captain in the army, July 14. Off. Ass. Stansfeld; Sol. Atkinson & Co., Church-court, Lothbury.—Pet. f. June 3.  
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**ASTON, JOHN**, Birmingham, gun maker, Aug. 4, Birmingham. Off. Ass. Guest; Sol. Duka, Birmingham.—Pet. f. June 24.  
**ATTFIELD, FREDERICK**, Farnham, Surrey, carpenter, July 17, Farnham. Off. Ass. Hollett; Sol. White, Guildford.—Pet. f. June 25.  
**BAKER, ROBERT**, Ugborough, Devonshire, baker, July 11, Totnes. Off. Ass. Bryett; Sol. Kellock, Totnes.—Pet. f. June 27.  
**BATHO, WILLIAM**, Wrexham, Denbighshire, brewer, July 15, Liverpool. Off. Ass. Morgan; Sol. Ford & Co., Chester.—Pet. f. June 26.  
**BENNETT, EMANUEL TRICK**, Plymouth, Devonshire, jeweller, July 22, Plymouth. Off. Ass. Hirtzel; Sol. Edmonds & Co., Plymouth; Ploud, Exeter.—Pet. f. June 19.  
**BENTLEY, GEORGE**, Kivver, Staffordshire, farmer, July 16, Stourbridge. Off. Ass. Harward; Sol. Maltby, Stourbridge.—Pet. f. June 26.  
**BRICE, HENRY**, Exeter, photographic artist, July 17, Exeter. Off. Ass. Hirtzel; Sol. Willeford, Exeter.—Pet. f. June 25.  
**BROOKS, WILLIAM**, Brierley-hill, Staffordshire, miner, July 16, Stourbridge. Off. Ass. Harward; Sol. Maltby, Stourbridge.—Pet. f. June 26.  
**BROWN, WILLIAM**, Baschurch, Shropshire, painter, July 29, Shrewsbury. Off. Ass. Peale; Sol. Davies, Shrewsbury.—Pet. f. June 23.  
**CALKIN, GEORGE ALFRED**, Solihull, Warwickshire, and CALKIN ELLIS VARNAM, Birmingham, out of business, Aug. 4, Birmingham. Off. Ass. Guest; Sol. Hawkes, Birmingham.—Pet. f. June 26.  
**COLLINS, MATTHEW**, Hereford, butcher, July 17, Hereford. Off. Ass. Reynolds; Sol. Garrold, Hereford.—Pet. f. June 25.  
**COOK, THOMAS**, Norwich, bricklayer, July 10, Norwich. Off. Ass. Palmer; Sol. Atkinson, Norwich.—Adj. June 6.  
**COOPER, CHARLES DAVIS**, Newcastle-upon-Tyne, shipbroker, July 16, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Boyle, Newcastle-upon-Tyne.—Adj. June 19.  
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GOWER, JAMES HENRY, Church-row, Old St. Pancras-road, builder, July 21. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 30.

HILL, JACOB, Deptford and Woolwich, baker, July 14. Off. Ass. Graham; Sols. Hilliary & Co., 5, Fenchurch-street.—Pet. f. June 27.

HUMMEL, JOSEPH, Lynn, Norfolk, watchmaker, July 21. Off. Ass. Edwards; Sols. Wilkin, Lynn; Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. July 1.

JONES, FREDERICK DAVID, High-street, East-hill, Wandsworth, baker, July 15. Off. Ass. Graham; Sol. Ody, 14, Trinity-street, Southwark.—Pet. f. June 29.

KERWOOD, GEORGE KEMPSTER, Montague-place, Trinity-square, Southwark, commercial traveller, July 14. Off. Ass. Graham; Sol. Hill, 10, Basinghall-street.—Pet. f. June 30.

LATTO, JANET REID, Archer-terrace, East India-road, Limehouse, dressmaker, July 21. Off. Ass. Cannan; Sols. Wood & Co., 4, Coleman-street-buildings.—Pet. f. July 1.

LENAUD, EDWARD, St. John-street, undertaker, July 14. Off. Ass. Graham; Sol. Howell, 61, Chesapeake.—Pet. f. June 30.

MAINWARING, ARTHUR, Bury-street, St. James's, captain in her Majesty's army, July 14. Off. Ass. Graham; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. June 27.

MAY, SAMUEL, Judd-street, Branwick-square, watchmaker, July 14. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 26.

NEEH, THOMAS SINGER, King-street, Long-acre, dairyman, July 21. Off. Ass. Stansfeld; Sol. Hill, 10, Basinghall-street.—Pet. f. July 1.

PHILLIPOTS, MARY ANNE, Davies-street, Berkeley-square, milliner, July 15. Off. Ass. Graham; Sol. Peverley, 19, Coleman-street.—Pet. f. June 26.

RAPHAEL, JAMES, Cavendish-terrace, Victoria-park-road, stick manufacturer, July 14. Off. Ass. Cannan; Sol. Edwards, 15, St. Swithin's-lane.—Pet. f. June 29.

RAYMOND, SAMUEL GUN, Graham-street, Pimlico, of no trade, July 14. Off. Ass. Cannan; Sol. Lewis, 22, Great Marlborough-street.—Pet. f. June 29.

RENNIE, JOHN, Denmark-street, Islington, draper, July 21. Off. Ass. Stansfeld; Sols. Bennett & Co., 1, Size-lane.—Pet. f. June 30.

ROOK, THOMAS, Barnsbury-terrace, Liverpool-road, Islington, out of business, July 21. Off. Ass. Cannan; Sol. De Medina, 9, St. Benet's-place, Gracechurch-street.—Pet. f. July 1.

ROWELL, JAMES JENKINGS, High-street, Newington Butts, butcher, July 21. Off. Ass. Cannan; Sols. Sole & Co., 68, Aldermanbury.—Pet. f. June 30.

SCHMIEDER, ANTON, Upper Lisson-street, Lisson-grove, baker, July 14. Off. Ass. Stansfeld; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. June 29.

SPRINGETT, JERRY, Cottage-grove, Commercial-road, Peckham, commission agent, July 14. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 30.

STONE, EMANUEL WALTER, King's-road, Chelsea, coal merchant, July 21. Off. Ass. Edwards; Sol. Shiers, 5, New-inn, Strand.—Pet. f. June 30.

SYKES, MATTHEW, Globe-road, Mile-end, county court bailiff, July 21. Off. Ass. Edwards; Sol. Abbott, 1, St. Mark-street, Great Prescott-street.—Pet. f. June 30.

THOMPSON, THOMAS, Virginia-row, Bethnal-green, leather seller, July 14. Off. Ass. Cannan; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. June 30.

WALKER, WILLIAM THOMAS, Enfield, coal merchant, July 21. Off. Ass. Stansfeld; Sol. Shephard, 9, Size-lane.—Pet. f. June 25.

WARD, ROBERT HENRY, Duke-street, Stamford-street, Blackfriars-road, plumber, July 14. Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. July 2.

*To be heard in the Country.*

ATKINSON, WILLIAM, Gildersome, Yorkshire, farmer, July 16, Leeds. Off. Ass. Young; Sols. Elmsley & Co., Leeds.—Pet. f. June 30.

BARNOW, JONATHAN, Bramhall, near Stockport, Cheshire, farm labourer, July 24, Stockport. Off. Ass. Coppock; Sol. Rawlinson, Manchester.—Pet. f. June 26.

BRALEY, GEORGE, Cotesley, Norfolk, wheelwright, July 15, Norwich. Off. Ass. Palmer; Sol. Sadd, Norwich.—Pet. f. June 30.

BROAD, HENRY, and BROAD, EDWIN, Stourport, Worcestershire, maltsters, July 15, Birmingham. Off. Ass. Whitmore; Sols. Hodgson & Co., Birmingham.—Pet. f. June 29.

CASSON, JOHN, Sunderland, grocer, July 14, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Robinson, Sunderland.—Pet. f. July 1.

COWELL, DAYTONPORT, Blackburn, Lancashire, out of business, July 20, Blackburn. Off. Ass. Bolton; Sols. Backhouse & Co., Blackburn.—Pet. f. June 29.

COX, ELIZABETH, Bath, out of business, July 14, Bath. Off. Ass. Smith; Sol. Bartrum, Bath.—Pet. f. June 28.

CLAVEN, THOMAS, Birtal, near Leeds, mason contractor, July 17, Dewsbury. Off. Ass. Nelson; Sol. Haigh, Huddersfield.—Pet. f. June 5.

CROSKILL, HENRY MORTIMER, Rochdale, Lancashire, bookseller, July 22, Manchester. Off. Ass. Fraser; Sols. Molesworth & Co., Rochdale.—Pet. f. June 26.

DARDY, WILLIAM HENRY, Great Driffield, Yorkshire, joiner, July 15, Great Driffield. Off. Ass. Conyers; Sol. Hodgson, Great Driffield.—Pet. f. July 1.

DANSON, RICHARD, Liverpool, clerk in an architect's office, July 14, Liverpool. Off. Ass. Turner; Sol. Conway, Liverpool.—Pet. f. June 20.

DUCE, MATTHEW, Wootton Bassett, Wiltshire, innkeeper, July 18, Bristol. Off. Ass. Miller; Sols. Pratt, Wootton Bassett; Brian & Co., Bristol.—Pet. f. June 29.

DUPRE, FERNANDUS, Manchester, doctor of medicine, July 28, Manchester. Off. Ass. Post; Sol. Gardner, Manchester.—Pet. f. June 30.

EDWARDS, CHARLES, Kingston, Herefordshire, butcher, July 15, Kingston. Off. Ass. Temple; Sol. Cheese, Kingston.—Pet. f. June 27.

FRATHERTONHAUGH, WILLIAM, Wotton Gilbert, Durham, farmer, July 15, Durham. Off. Ass. Bramwell; Sol. Marshall, Durham.—Pet. f. June 27.

FULLBREE, JAMES, Cowpen-quay, Northumberland, builder, July 17, Morpeth. Off. Ass. Brumell; Sol. Brewis, Blythe.—Pet. f. June 29.

HAILWOOD, WILLIAM, Westhoughton, Lancashire, miller, July 15, Leigh. Off. Ass. Holden; Sol. Edge, Bolton.—Pet. f. July 1.

HATTON, JOSEPH PAUL, Cheltenham, Gloucestershire, out of business, July 14, Cheltenham. Off. Ass. Gale; Sol. Marshall, Cheltenham.—Pet. f. June 29.

JONES, MARY, Nottingham, boot manufacturer, July 20, Nottingham. Off. Ass. Harris; Sol. Buttery, Nottingham.—Pet. f. July 1.

KNIGHT, CHARLES, Gloucester, saddler, July 18, Gloucester. Off. Ass. Wilton; Sol. Wilkes, Gloucester.—Pet. f. June 27.

KNOTT, JOHN, Sturminster Newton, Dorsetshire, shopkeeper, July 14, Shaftesbury. Off. Ass. Hannan; Sol. Long, Sturminster Newton.—Pet. f. June 30.

LANGFORD, JOHN, Nottingham, out of business, July 22, Nottingham. Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. June 30.

LEWIS, JOHN, Hillmorton, Wiltshire, blacksmith, July 21, Calne. Off. Ass. Rogers; Sol. Rawlings, Melkham.—Pet. f. July 1.

LINNEY, JOHN, Trowbridge, Wiltshire, stonemason, July 14, Trowbridge. Off. Ass. Webber; Sol. Bartrum, Trowbridge.—Pet. f. June 30.

MARRS, JOSEPH, Castlesowberby, Cumberland, blacksmith, July 21, Carlisle. Off. Ass. Halton; Sol. Donald, Carlisle.—Pet. f. June 30.

NICHOLLS, WILLIAM, Tipton, Staffordshire, chartermaster, July 15, Birmingham. Off. Ass. Whitmore; Sol. Jackson, West Bromwich.—Pet. f. July 1.

PROG, JOHN, Tickhill, Yorkshire, paper manufacturer, July 18, Sheffield. Off. Ass. Young; Sol. Fisher, Doncaster.—Pet. f. June 30.

PRENCH, THOMAS, Avebury, Wiltshire, groom, July 22, Marlborough. Off. Ass. Merriman; Sol. Rawlings, Melkham.—Pet. f. June 27.

RANDLE, WILLIAM, Norwich, assistant to a corn dealer, July 15, Norwich. Off. Ass. Palmer; Sol. Sadd, Norwich.—Pet. f. June 30.

ROSE, JAMES, Chesterton, Cambridgeshire, baker, July 17, Cambridge. Off. Ass. Eaden; Sols. Whitehead & Co., Cambridge.—Pet. f. June 29.

SEARS, THOMAS, Leicester, coal merchant, July 14, Nottingham. Off. Ass. Harris; Sols. Spooner, Leicester; Hodgson & Co., Birmingham.—Pet. f. June 26.

SKEFFINGTON, ROBERT, Leicester, butcher, July 18, Leicester. Off. Ass. Ingram; Sol. Haxby, Leicester.—Adj. June 15.

SPICER, THOMAS, Woodham Ferris, Essex, farmer, July 16, Maldon. Off. Ass. Codd; Sol. Freeman, Maldon.—Pet. f. July 1.

TAYLOR, WILLIAM, Sneinton, Nottinghamshire, salesman, July 22, Nottingham. Off. Ass. Patchitt; Sol. Heath, Nottingham.—Pet. f. July 2.

THOMPSON, FRANKETT, New Brighton, Cheshire, hotel keeper, July 15, Liverpool. Off. Ass. Morgan; Sol. Nevill, Liverpool.—Pet. f. July 1.

WESTCOTT, JAMES, Kingston-upon-Hull, smack owner, July 22, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Thorne, Hull.—Pet. f. June 30.

WILLIAMS, WILLIAM VOSPER, Birkfastleigh, Devonshire, mine agent, July 17, Exeter. Off. Ass. Hirtzel; Sols. Kellock, Teznes; Clark, Exeter.—Pet. f. June 29.

## TUESDAY, July 7.

## BANKRUPTS.

*To be heard in London.*

BOUCAULT, DION, Brighton, dramatic author, July 21. Off. Ass. Cannan; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. July 1.

BRANCH, ROBERT, West Ham, shoemaker, July 21. Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. July 2.

BRYANT, ALFRED HENRY, Leicester-square, Haymarket, trunk maker, July 21. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 2.

BURNBOURN, THOMAS PROCTOR, Great Yarmouth, attorney-at-law, July 21. Off. Ass. Cannan; Sols. Costerton, Great Yarmouth; Nicholls & Co., 9, Cook's-court, Lincoln's-inn.—Pet. f. July 2.

COLLETT, SARAH, Westmoreland-road, Waltham-common, baker, July 21. Off. Ass. Edwards; Sols. Howard & Co., 66, Paternoster-row.—Pet. f. June 29.

CORRECK, ROBERT, New Hornsey-road, builder, July 28. Off. Ass. Edwards; Sol. Wallinger, 9, Fenchurch-street.—Pet. f. July 3.

[For continuation of Gazette, see p. 255, col. 2.]

## CONTENTS.

London Gazettes.....	250
Leading Article.....	251
Law Amendment Society.....	252
Books Received.....	253
Imperial Parliament.....	254
Statutes passed during the present Session of Parliament.....	

## NAMES OF THE CASES REPORTED.

## HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

Moorhouse v. Lord.—( <i>Domicil, change of—Residence abroad for purposes of health, &amp;c.—Intention to change domicil—Foreign marriage—Inquiry—Revocation by last will</i> ).....	677
---	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Ex parte</i> Ruck, in re Ruck.—( <i>Bankruptcy—12 &amp; 13 Vict. c. 106, ss. 78, 79—Trader debtor summons—Contested claim—Giving bond in discretion of commissioner</i> ).....	683
---	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Floyer v. Bankes.—( <i>Income tax—Succession duty—Jointure rent-charge</i> ).....	684
---	-----

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Wallace v. Auldjo.—( <i>Equity to a settlement—Death of wife</i> ).....	687
---	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Adams v. Swarder and Another.—( <i>Bankruptcy—Suit by A. after adjudication annulled—Composition with creditors—Bill dismissed</i> ).....	689
---	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Sweeney, App., Spooner, Resp.—( <i>Desertion of wife—Chargeability to parish—Rogue and vagabond—5 Geo. 4, c. 83, s. 4</i> ).....	691
--	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Birks, App., Allison, Resp.—( <i>County vote—Nature and description of qualification—Occupying tenant—Construction of sect. 20 of Reform Act—6 Vict. c. 18, ss. 40, 101</i> ).....	692
--	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Hulls v. Estcourt.—( <i>Municipal Corporations Reform Act—Pasturage—Burgesses—Freemen</i> ).....	695
--	-----

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNST BROWNING, Barrister at Law.

S., falsely called E. v. E.—( <i>Nullity of marriage—Impotency—Self-abuse</i> ).....	698
--	-----

## COURT OF ADMIRALTY.

By W. ERNST BROWNING, Barrister at Law.

The Europa.—( <i>Damage—Subsequent sale—Lien—Reasonable diligence</i> ).....	699
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## THE JURIST.

LONDON, JULY 11, 1863.

WE proceed to conclude our observations on the speech of the Lord Chancellor in introducing to the House of Lords his bill for the revision and expurgation of the statute law. The bill is now printed, and has been read a second time, on which occasion the Lord Chancellor said, "he must ask the House, considering its nature, to take it upon trust, placing reliance on the industry, skill, and fidelity of those by whom it had been prepared;" a sentiment which was echoed by Lord St. Leonards, Lord Brougham, and Lord Chelmsford; and if responded to by the House, increases a hundred fold the responsibility of the compilers of the bill.

One of the great objections to any proposal for the complete codification of the law is, that such a codification must involve a codification of the constitution of the country. It is one of the fallacies of the day that there is little or no connexion between the laws and political government of a people. This fallacy shews itself in many forms. For instance, we constantly hear a distinction taken between political and other offences, with proposals to restrict the trial by jury to the former—as if any human power could draw the line of demarcation among offences, so as to define what are and what are not political. The most common-place charge, nay, the most ordinary action, may involve a most important constitutional question; and every lawyer knows that two of the most remarkable cases affecting the rights and liberties of the subject that have ever presented themselves—*Ashby v. White* (2 Ld. Raym. 938) and *Stockdale v. Hansard* (9

Ad. & El. 1)—arose, the one in a special action on the case, and the other in an action of libel. If the form of government and the laws of a country are not cast in the same mould, if they are not constructed so as to harmonise with each other, there is not much hope for the vigour of the general system. Now, the constitution of England is in strict analogy with its law—i. e. it has its base in custom, with a superstructure of statute; and the law and constitution of England, as of other countries, are so bound up together that codifying the one more or less includes codifying the other. But the value of paper constitutions is written in blood in the history of almost every nation of continental Europe. The reason is obvious; nothing but a customary constitution—one that has its roots in the habits and affections of the people—has much chance of withstanding the attacks of an armed executive. Moreover, tell the despot that the limits to his power lie within the four corners of a sheet of paper—it is easy to raise a pretended difficulty as to the meaning of its language; he puts the construction favourable to his views, and, if opposed, solves the difficulty with the sword. The great and invaluable principles of the British constitution, which have given it its world-wide celebrity, have been evolved, one after another, as occasion required, and possibly fresh ones may be evolved in time to come; but define the constitution on a piece of paper, and this hardy natural growth is arrested for ever.

The Lord Chancellor is fully aware of this difficulty. He says—"In carrying out this plan, of course, it becomes most desirable to preserve intact all those ancient monuments of our legislation connected with our political rights and institutions, on which no man should lay his unhallowed hands. Those statutes,

which may be considered to have become stones in the edifice of the constitution, are preserved wholly intact; and no enactment or statute is touched that may be considered to have entered into the common law, or formed the foundation of any rule of practice or procedure, or may be referred to as the basis on which the right or title of property is made to rest." This is well, but the execution of such a plan imposes a fearful responsibility. In excluding a statute from the new statute-book the compiler must be in a condition to decide incontestably that it does *not* involve any constitutional principle. To give an instance. The stat. 3 & 4 Will. 4, c. 4, commonly called the "Irish Coercion Act," long since expired, after investing the Crown with large powers for the suppression of dangerous associations, and for trying offences in certain districts by courts martial constituted in a peculiar manner, enacts as follows, in sect. 40—"Provided always, and be it declared and enacted, that nothing in this act contained shall be construed to take away, abridge, or diminish the undoubted prerogative of his Majesty, for the public safety, to resort to the exercise of martial law against open enemies or traitors." Here is a statute, in its nature both local and temporary, which declares a very important principle of constitutional law. How much more likely are declarations of equal moment to be discovered among enactments which were meant to be general and permanent.

The Lord Chancellor makes some other proposals of vast magnitude. He says, "I intend, my Lords, that the commission should also direct its inquiries into another important point, namely, the correction and improvement of the present system of reporting, because it is of no use to reduce, expurgate, methodise, and arrange that which exists, unless we have a means of preventing the recurrence of the evils which now exist. If your Lordships should confirm that view, I shall undoubtedly, at some future time, ask you further to give me a committee for the purpose of ascertaining what is the best mode by which the future legislation of this country may be conducted so as to secure an improved form in the composition of bills."

These are, indeed, great projects. The first we have recently considered at some length (ante, pp. 159, 167, 195), and the second may be pronounced a decided improvement. But the remaining proposal is of a more doubtful character.

"When the task of expurgating and classifying the statutes has been completed, it will still be necessary to adopt some system for revising future reported cases, so as to check the uncertainty and confusion they introduce into the law. For, observe the manner in which error grows up in the law. A case is decided, say, by a Vice-Chancellor, or by one of the courts of law at Westminster. The decision may be bad, but one of the parties to the litigation may not have the means of appealing against it, and so it is not corrected by a higher court. Then this bad law is recorded in the reports, and passes unnoticed for three or four years. It is then cited as a precedent before another judge. That other judge says, 'I find that Mr. Justice A. B., or Mr. Vice-Chancellor C. D., decided a case from which the case now before me cannot be distinguished;' and thus a bad precedent is accepted and confirmed. The thing, therefore, becomes inveterate, and bad law is established, there being in our system no agency at all to exercise that which ought to be exercised, viz. an annual revision of the reported cases, with power to determine what is to be regarded as entitled to authority, and what ought not to be quoted hereafter for the purpose of determining the law. All this might be accomplished by what is called the institution of a Department of Justice. At all events, there ought to

be some mode and power of revising these reports from time to time, as long as you adhere to the practice of making them guides for judicial decisions."

This notion is taken from Benthams, who strongly advocated a periodical revision of the law. But we wish his Lordship had been more explicit as to the means by which he proposes to accomplish this object. If he means a periodical revision of reports by the Legislature, it is superfluous to invest the Legislature with a power that it possesses already. But if his Lordship means a periodical revision of reports by a commission, or individuals appointed by the Crown, we protest, in the strongest possible terms, against any project so thoroughly unconstitutional and perilous. Is it to be endured, that at the end of each year, or some other specified time, a number of commissioners dependent on the Crown are, assembled in camera, without the assistance of counsel or any of the usual checks on judicature, to sit as a court of error on the decisions of all the judges in the land, and erase from our jurisprudence any decisions which they may deem erroneous, or dislike as obnoxious? Even in the most honest hands, such a power is virtually despotism; what it would become in dishonest ones, we shudder to think.

We have thus laid before our readers the whole of the plan for the amendment of our jurisprudence, which has been brought before the Legislature by the head of the legal profession. The matter is of such momentous importance, that though proceeding from so exalted a quarter, we have felt it our duty to speak our mind freely upon it. For bringing these proposals forward, the Lord Chancellor has deserved well of his country; and to many parts of his scheme we heartily wish success. But one word more. The Lord Chancellor informs us in his speech, that what he proposes will do little, if anything, more than revive the proposal of Lord Bacon. We are inclined to doubt this; for we think the Lord Chancellor's views in some places go much farther. There is, however, one passage in Lord Bacon's proposal for amending the laws of England which we hope his Lordship will ever keep in sight:—"I dare not advise to cast the law into a new mold. The work which I propound tendeth to pruning and grafting the law, and not to ploughing up and planting it again: for such a remove I should hold indeed for a dangerous innovation."

ERRATUM.—In the last line but one of the article on "Separate Estate in Land," in our last number (ante, p. 246), for "separate" read "equitable."

#### LAW AMENDMENT SOCIETY.

THE annual dinner of this society took place on Saturday, at the Ship, Greenwich. Lord Brougham occupied the chair, and was supported by Lord Lyttelton, Sir J. G. Shaw Lefevre, Mr. J. Stuart Mill, Mr. Taylor, M. P., Mr. Marsh, M. P., Mr. Hadfield, M. P., &c. About sixty gentlemen sat down to dinner. After the usual toasts,

The Chairman gave the toast of the evening, "The Amendment of the Law," remarking on the great improvement which had taken place in the last sixty or seventy years, before which it was the custom to say the law was as good as could be made. Amendments were still being made, though he was sorry to say the last twelve months were very nearly a blank. He considered that the great measure of Courts of Conciliation had now a very good chance of being carried into law. This measure had been time after time rejected in Parliament, and treated as fanciful and theoretical, but the change that had been made in it had got rid of

almost all objections. That change consisted in excluding the compulsory part, and leaving the measure voluntary, but he had no doubt that after it succeeded as a voluntary measure they should have the compulsory part made law. One great defect in their law was that which prevented any man in a criminal proceeding, whether a felony or misdemeanour, from being examined as a witness, even though he should tender himself to be examined, and of course cross-examined. He disapproved of the French system, which allowed defendants in criminal cases to be compulsorily examined, and then cross-examined by the judge; by whom, with all the information and other materials of cross-examination before him, they were tortured so as to compel them either to confess or to forswear themselves. He considered that our examination of defendants in criminal cases should be confined to those instances in which they wished to be examined, and therefore exposed themselves to be cross-examined. He congratulated the society upon the extension of their principles into France, Belgium, and Holland, and also on the success which had attended the literary department connected with the amendment of the law during the last twelve months, referring in terms of commendation to a work on the discipline of the bar by Mr. Lefevre; also to another work by Mr. Phillips upon jurisprudence. But of all those works the most agreeable and valuable was Mrs. Austin's progress in the completion of the invaluable work of Mr. John Austin. The noble Lord called attention to the valuable measure amending the law relating to the transfer of land which had been devised and carried into law in the colony of South Australia, and had subsequently been adopted in the other Australian colonies, which measure afforded the solution of the great difficulties which the Legislature of this country had so long been struggling to overcome in amending this most important branch of the law. He regarded it as the greatest practical reform of the day, and congratulated the society on having the author of that system, Mr. Torrens, amongst its members present on that occasion. There had been a report sent in by the commission on the execution of the criminal law, and from all he had heard he was very much grieved to say that he did not think it would in all respects prove satisfactory. The noble Lord concluded by giving "The Amendment of the Law."

After some other toasts,

The *Chairman*, in proposing the concluding toast, "Colonial Justice," bore testimony to the wisdom and sound legal knowledge of the colonial judges generally, as exhibited in their decisions which had come under his cognisance as a member of the Judicial Committee of the House of Lords; and coupled with the toast the name of Mr. Torrens, to whose labours, as he had before remarked, jurists, both in the mother country and the colonies, were so much indebted.

Mr. *Torrens*, after acknowledging the compliment paid to himself, returned thanks on behalf of the colonial judges, who, he believed, as a body, well deserved the eulogies that had been bestowed upon them by the high authority of the venerable President. There were several legal questions of great interest, involving affairs of the mother country conjointly with those of the colonies, which he hoped would become the subject of discussion during the next session of the society. He referred to the want of reciprocity in the bankruptcy and insolvency laws as inflicting much injustice on colonial creditors. With reference to the remarks of the President upon the report of the "Penal Servitude Commission," he gathered from the article which appeared in *The Times* that morning, that transportation was to be resumed, and that Western Australia was recommended as a receptacle

capable of absorbing all the convicts from this country. At that hour he would not go into the merits of this question as a deterring punishment, but as representing the Australian Colonies on that occasion, he must raise his voice in protest against this conclusion. It had been asked, what right had they to interfere while Western Australia was willing to receive convicts? He replied, the same right which an Englishman would have, were his neighbour to post a notice on the land adjoining his dwelling—"Filth and night soil may be shot here." There was a moral atmosphere as well as a political atmosphere; and you had no more right to pollute the one than to pollute the other. A shipment of some forty conditionally-pardoned felons had recently been made from Swan River to Sydney, and one of them taken in charge for drunkenness, was found to have concealed a complete set of pick-lock tools. Their properties and lives would be imperilled, their police and judicial expenses largely increased by the proposed resumption of transportation, and therefore they had a right to protest. They had passed an act in South Australia, making it penal in the captain of a ship to land in the colony any conditionally-pardoned criminal, and rendering such criminal liable to be imprisoned and shipped back whence he came by the first opportunity. This act might be declared "ultra vires," as repugnant to British law, but the colonists were determined to uphold it, and the position was calculated to induce collision between the Legislature and the Bench, than which nothing could be more disastrous. Her Majesty had no more loyal subjects than the Australian colonists; even the colonial born, when they speak of visiting England, say, "We are going home." They had shewn their loyalty by pouring out their wealth to relieve distress and famine in the mother country, and in contributing largely to every national testimonial, whether to commemorate those who fell in defence of the empire or the memory of a revered prince, and this was an evil requital, and would be received in Australia as the grossest insult. He begged to be excused if, as a colonist, he spoke warmly on this subject; but he yet hoped her Majesty's Ministers would consider well before they took a step which would alienate the affections of a million and a quarter of her Majesty's loyal subjects in Australia.

[We give these proceedings at greater length than usual in consequence of the important statements made by the Chairman and Mr. Torrens, relative to the expected report of the commission on transportation and penal servitude.—ED.]

#### BOOKS RECEIVED.

A Manual of the Law affecting the Qualifications and Registration of Parliamentary Voters in Counties, Cities, and Boroughs: with the Practice of the Revising Courts on Objections, Costs, and other Matters, including the Duties of Clerks of the Peace, Town-clerks, Overseers, &c., and a Digest of all the Cases decided on Appeal; to which are added an Appendix of Statutes, and a full Index. By Edward Bretherton, Attorney-at-Law.—H. Sweet. 1863.

A General View of the Criminal Law of England. By James Fitzjames Stephen, M.A., of the Inner Temple, Barrister-at-Law, Recorder of Newark-on-Trent.—London and Cambridge: Macmillan & Co. 1863.

Speech of the Lord Chancellor on the Revision of the Law. Edited by John Fraser Macqueen, Q.C. With Notes, chiefly containing Citations, which were omitted for the sake of brevity.—Maxwell. 1863.

The International Law of Navigable Rivers. By John Cutler, B.A., of Lincoln's-inn, Barrister-at-Law.



## Imperial Parliament.

### HOUSE OF LORDS.—July 6.

The Jurisdiction of Justices Bill was read a third time and passed.

July 7.

#### STATUTE-LAW REVISION BILL.

The Lord Chancellor, in moving the second reading of this bill, said he must ask the House, considering its nature, to take it upon trust, placing reliance on the industry, skill, and fidelity of those by whom it had been prepared. The mere examination of the points to be found in the schedule had occupied him and his auxiliaries in the work for a considerable period of time, and he should merely give a brief account of the mode in which they had proceeded, hoping that their Lordships would give them credit for having accomplished their task with care and accuracy. It was, in the first instance, desirable, that by the side of every enactment which it was the object of the bill to repeal, the reason of that repeal should be given with some minuteness, and a column had been framed with that view, which it was proposed to strike out in committee. The House would, however, see, upon looking over the number of pages in the schedule, and the manner in which the column was worded, that great pains had been taken to examine every particular of the enactments it was proposed to sweep away from the statute-book, because of their having been repealed or having become obsolete, or being generated by a condition of society which had long passed away, thus rendering them no longer applicable. In the schedule those enactments were ranged under the general heads of those which had expired, those which were repealed by the operation of general terms, those which had been virtually repealed, those which had become superseded, and those which had become obsolete. The gentlemen engaged in the arduous work had, under his direction, prepared from time to time a printed paper containing any question or suggestion with respect to the doubts which arose in the course of their examination, and he could assure their Lordships that no single point had been neglected, and that every minute doubt and difficulty had been carefully examined by himself and the law officers. He had the more confidence that their Lordships would accept the result of those labours, inasmuch as his predecessor in office had the honour of presenting to their consideration, in 1861, a similar schedule, which had been received with a similar explanation as to the manner in which the work had been accomplished. In the prosecution of the present work he and his fellow-labourers derived great assistance from the fact that they were enabled to found their efforts, in a great degree, on a very remarkable document, which he thought must have been prepared under the immediate superintendence of Lord Bacon. He alluded to a manuscript which particularised the several statutes that had been repealed or had expired from the 3 Edw. 1 to the 7 Jac. 1. In addition to that, great assistance had been derived from another manuscript work, and from some other documents which existed, and which had been prepared, under the direction of the House, for the purpose of shewing how far the existing statute law did or did not represent the body of the statute law now in force. No pains, he might add, had been spared in the matter, and he trusted their Lordships would take the present bill, as they had done the bill of 1861, in which no error had been discovered. The noble and learned Lord concluded by moving the second reading of the bill.

Lord St. Leonards concurred in the opinion that the measure was entirely of a nature which called upon their Lordships generally to shew confidence in those by whom it was prepared. The noble and learned Lord then, after observing that there was a very general tendency to look to the last decided cases, and for that purpose to use reports by unauthorised reporters because they were published sooner than the regular reports, said, that as to revising the decisions of the judges so reported, the scheme was impracticable. The judges took great pains to give at length the grounds and reasons for the judgments which they pronounced, so as to satisfy all men that their judgment was mature, that it was founded upon authorities, and that it was justified by principles. Any set of men who were competent to revise those judgments, to correct that which was mistaken, and to recon-

cile that which was conflicting, would be worthy of seats in their Lordships' House; but he was inclined to think, that to embody their mere opinions in an act of Parliament would not be a satisfactory way to deal with the carefully-prepared judgments of the judges, and that it would be better to leave the task of revision to the Exchequer Chamber and the appellate jurisdiction of their Lordships' House. As he was one who objected to a code, it was satisfactory to know that there were so many difficulties in the way that they were not likely to have it; but at the same time he approved the preparation of a revised and expurgated edition of the statutes.

Lord Brougham thought it would be utterly impossible for their Lordships to do more than give a general supervision to a bill of this magnitude. If their Lordships wished for a digest, they must be content to take it on trust to a great extent, and to put confidence in those who were intrusted with the preparation of it. To insist on going into every separate provision would only be a roundabout way of refusing to have a digest at all. Jeremy Bentham always used to say that we had an invaluable repository of law in the judgments of our courts, and it would be of immense advantage to have the substance of these judgments well digested. It was quite a mistake to suppose that the noble and learned Lord had proposed to review the judgments of the courts; for, of course, that could only be done by the appellate jurisdiction, or by the Legislature. The commission proposed by his noble and learned friend would confine its labours to a digest of the matter and substance contained in various bodies of reports. He hoped that ere long we should have a Department of Justice—a measure which had been supported by his noble and learned friend on the woolsack, and in favour of which a unanimous vote of the House of Commons had been recorded.

Lord Cranworth wished to express, not only his concurrence with the bill, but also a somewhat more confident hope than had been indulged in by his noble and learned friend as to the completion of this work. There had already, under a bill introduced by the late Lord Campbell, been a revision of the statutes repealed since 1770. Now it was proposed to deal with all the statutes from Magna Charta down to the reign of James II. There would then remain an interval of only some eighty years to complete the revision of the statutes. It was true that the statutes of those years would not be dealt with quite so easily as those which formed the subject of the present bill, but he recommended that, with regard to these statutes, a digest should be commenced such as that which had been set on foot when he was Lord Chancellor. In his opinion such a digest was an absolutely necessary preliminary to a consolidation of the statute law.

Lord Chelmsford agreed in thinking it impossible, that a laborious work of this kind could be performed in any other way than that proposed, and suggested the advisability of printing in the bill the valuable reasons given for the repeal of the statutes, which would very much facilitate the labours of the Commons.

The Lord Chancellor proposed that these reasons, which it was intended should be ultimately struck out of the bill, should go down to the House of Commons as part of the measure. With regard to the other part of his plan, he only desired to do that which almost every State in America had already done, namely, to make a digest of the whole of their law, including the law contained in the reports of cases; and that book had been the standard law of the land from that time until now, with the approbation of all classes of the community. He was sorry that his noble and learned friend who had spoken on this part of his scheme had left the House, because he was going to appeal to an authority whom his noble and learned friend could hardly dispute—he would appeal from Lord St. Leonards to Sir Edward Sugden. Sir Edward Sugden had been the great codifier, condenser, and digester of reports on given subjects. In his admirable treatises he had canvassed the decisions, and marked the cases, that were objectionable and unfit to be cited as law, and the result was, that the judges, both in law and equity, were in the habit of saying upon the class of cases treated by his noble and learned friend, "You will find the whole law in Sir Edward Sugden's treatise." If that had been done with regard to certain subjects, undoubtedly it could be accomplished, in an equally satisfactory manner, with regard to other subjects, by a learned body of men appointed for the purpose.

Lord Brougham, on the part of his noble and learned friend, Lord St. Leonards, who had left the House, wished to say he was convinced, that if his noble and learned friend were present, he would admit that what he had done was all very well for a text writer. But what his noble and learned friend on the woolsack proposed to have produced was an authoritative work, binding on the courts with the force of an act of Parliament.

The bill was then read a second time.

### HOUSE OF COMMONS.—July 2.

The Lords' amendments to the Security from Violence Bill were considered and agreed to.

July 3.

### PARTNERSHIP LAW AMENDMENT BILL.

Mr. Scholefield moved that this bill should be recommended.

The House went into committee.

Mr. Crum-Ewing moved that the chairman report progress.

The committee then divided, and the numbers were—

For the motion.....	32
Against.....	19

Majority..... 13

The Chairman therefore left the chair, and the House resumed.

July 6.

### ALTERATION OF THE CIRCUITS.

Mr. Hadfield asked the Government whether a bill would be introduced for the alteration of the circuits before the next assizes commenced, or at what other time.

Sir G. Grey said that the Lord Chancellor was in communication with the judges on the subject; but the intentions of the Government in respect to it were not yet finally formed.

The Removal and Punishment of Prisoners' Bill passed through committee.

July 8.

Mr. Paul's Poisoned Grain Prohibition Bill was read a second time.

Lord Raynham withdrew his Bill for the Protection of Domestic Servants and Apprentices.

Edward James, Esq., Q. C., has been appointed Attorney-General of the county palatine of Lancaster, in the room of Henry Bliss, Esq., Q. C., resigned.

We have to announce the decease of Edward Lewis Richards, Esq., Judge of the County Court Circuit No. 29, and Chairman of the Quarter Sessions for Flintshire.

**HUDSON v. SLADE, Bart., and Others.**—Our readers doubtless remember the action of *Hudson v. Slade, Bart., and Others*, which was brought in the Queen's Bench by Mr. Hudson against the Benchers of the Middle Temple, for assault and false imprisonment, in giving him into custody on a charge of taking a paper from the parliament chamber of that Honourable Society. (See 8 Jur., N. S., part 2, p. 583). The transaction which gave rise to it arose on the investigation of the charges brought against Mr. W. Digby Seymour, Q. C., M. P., when the plaintiff, who was called as a witness, on being shewn a certain paper, claimed it as his own, and refused to give it back to the Benchers. The cause was tried before Cockburn, C. J., in December of last year, when the jury, not being able to agree, were, with consent of counsel on both sides, discharged without giving a verdict. On the 2nd inst. it came on again for trial, before the same judge, when the record was withdrawn on the terms of a reference to an eminent person once a judge of the court (we believe Sir J. Coleridge), who is to say what is right to be done in the matter.

CROSS, PHILIP, Kendal-street, New-cross, butcher, July 31. Off. Ass. Stansfeld; Sol. Hall, 21, Coleman-street.—Pet. f. June 26.

DARDIER, FRANCIS CONRAD, Glanville-terrace, Jeffries-road, Clapham, out of employ, July 21. Off. Ass. Cannan; Sol. Lydall, 23, Southampton-buildings, Chancery-lane.—Pet. f. June 4.

DAVIS, CHARLES, Drummond-street, Euston-square, manager of a public-house, July 21. Off. Ass. Cannan; Sol. Peverley, 19, Coleman-street.—Pet. f. July 2.

DICKINSON, CHARLES SEPTIMUS ALLEN, Duke-street, Lincoln's-inn, clerk in holy orders, July 21. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. June 30.

DOFFIELD, FREDERICK BOVEY, Westmoreland-place, City-road, law clerk, July 21. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 1.

DUNN, HORACE CHARLES, Oxford-road, De Beauvoir-town, Islington, warehouseman, July 21. Off. Ass. Edwards; Sol. Porter, 32, Coleman-street.—Pet. f. July 3.

GERRARD, WILLIAM JOHN, Woolwich, out of business, July 21. Off. Ass. Edwards; Sols. Roy & Co., 4, Lothbury.—Pet. f. July 1.

HANCOCK, HENRY, High-street, Borough, Southwark, butcher, July 21. Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. July 3.

HANNAFORD, JAMES, Cleveland-street, Mile-end, tailor, July 21. Off. Ass. Cannan; Sol. Vann, 15, Basinghall-street.—Pet. f. July 2.

HOLMES, FREDERICK ADGATE, Phoenix-cottage, East-street, Old Kent-road, foreman to a printer, July 21. Off. Ass. Cannan; Sol. Marshall, 9, Lincoln's-inn-field.—Pet. f. July 4.

JAMES, ELLEN SARAH, Tottenham-court-road, bonnet manufacturer, July 21. Off. Ass. Edwards; Sol. Bradley, 13, Berners-street.—Pet. f. July 1.

MARSDEN, THOMAS COCHRANE, High-street, Southwark, hop merchant, July 21. Off. Ass. Edwards; Sol. Parkes, 11, Beaufort-buildings, Strand.—Pet. f. July 1.

MILLS, THOMAS WHITWORTH, Westbourne-street, Pimlico, auctioneer's porter, July 21. Off. Ass. Cannan; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. July 3.

PHILLIPS, GEORGE, Cottage-grove, West-street, Walworth, draper's assistant, July 21. Off. Ass. Edwards; Sol. Howell, 61, Cheapside.—Pet. f. July 2.

POWELL, ARTHUR WILLIAM, Cottage-grove, West-street, Walworth, comedian, July 28. Off. Ass. Edwards; Sols. Nichols & Co., 9, Cook's-court, Lincoln's-inn.—Pet. f. July 3.

RUTLAND, JOHN, Minerva-terrace, Surrey, banker's clerk, July 28. Off. Ass. Edwards; Sol. Hewitt, 32, Nicholas-lane.—Pet. f. July 2.

SCHMIDT, THOMAS HENRY, Brooksbury-street, Barnsbury, commercial traveller, July 28. Off. Ass. Edwards; Sols. Treherne & Co., 17, Gresham-street.—Pet. f. July 3.

THOMAS, ELIAS, William-street, Regent's-park, tailor, July 21. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 2.

TOWN, CHARLES, Fleet-street, out of business, July 21. Off. Ass. Edwards; Sol. Peverley, 19, Coleman-street.—Pet. f. July 2.

XENOS, ARISTIDES, Threadneedle-street, merchant, July 21. Off. Ass. Cannan; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. July 4.

### To be heard in the Country.

ATKIN, WILLIAM, Saltfleetby St. Peter, Lincolnshire, labourer, July 15, Louth. Off. Ass. Waite; Sols. Brown & Co., Lincoln.—Pet. f. June 30.

BANNOCK, WILLIAM, South Hamlet, Gloucestershire, tide waiter in Her Majesty's Customs, July 21, Gloucester. Off. Ass. Wilton; Sol. Taitson, Gloucester.—Pet. f. July 4.

BRESLEY, ROBERT, Walton, Lancashire, out of business, July 21, Kirkham. Off. Ass. Moore; Sol. Plant, Preston.—Pet. f. July 2.

BOUGH, SAMUEL, Chaddesley Corbett, Worcestershire, shoemaker, July 22, Birmingham. Off. Ass. Kinnear; Sol. Fearman, Stourbridge.—Pet. f. July 2.

BUNTING, NORTON, Wells, Norfolk, grocer, July 27, Little Walsingham. Off. Ass. Watson; Sol. Walpole, Northwold.—Pet. f. June 29.

BURKITT, JOHN LEWIS, Kenilworth, and of Coventry and Warwick, attorney, July 22, Birmingham. Off. Ass. Kinnear; Sols. Colton & Co., King's Lynn.—Pet. f. July 2.

BURROWS, WILLIAM, Luton, Bedfordshire, blacksmith, July 20, Luton. Off. Ass. Austin; Sol. Simpson, Saint Albans.—Pet. f. July 1.

CONNOR, JOHN, Colchester, Essex, shoemaker, July 18, Colchester. Off. Ass. Barnes; Sol. Jones, Colchester.—Pet. f. June 29.

CAUCH, JACOB, Brighton, travelling commission agent, July 22, Brighton. Off. Ass. Evershed; Sol. Mills, Brighton.—Pet. f. July 1.

DALLY, DANIEL, Bristol, fish salesman, July 24, Bristol. Off. Ass. Harley; Sol. Sabine, Bristol.—Pet. f. July 4.

EASTY, ROBERT, Thirsk, Yorkshire, land surveyor, July 22, Thirsk. Off. Ass. Rider; Sol. Mason, Castlegate, York.—Pet. f. June 18.

FRANCE, WILLIAM, Mirfield, Yorkshire, grocer, July 17, Dewsbury. Off. Ass. Nelson; Sol. Craven, Huddersfield.—Pet. f. June 25.

FRIEND, JOHN, Hythe, Kent, chief superintendent of police, July 22, Hythe. Off. Ass. Watts; Sol. Minter, Folkestone.—Pet. f. July 3.

GIBBS, HENRY, Saint George, Gloucestershire, market gardener, July 24, Bristol. Off. Ass. Harley; Sol. Salmon, Bristol.—Pet. f. July 2.

GIBBS, WILLIAM, Churstonferrers, Devonshire, ship builder, July 18, Totnes. Off. Ass. Bryet; Sol. Michelmore, Totnes.—Pet. f. June 23.

GOLDTHORP, WILLIAM, Darton, Yorkshire, stonemason, Aug. 14, Barnsley. Off. Ass. Shepherd; Sol. Barratt, Wakefield.—Pet. f. July 3.

HAWKINS, WILLIAM, Almondsbury, Yorkshire, joiner, July 20, Huddersfield. Off. Ass. Jones; Sol. Dransfield, Huddersfield.—Pet. f. July 2.

HIELD, JOSEPH, Sheffield, licensed victualler, July 25, Sheffield. Off. Ass. Young; Sols. Smith & Co., Sheffield.—Pet. f. July 3.

HITCHIN, JAMES, and HITCHIN, WILLIAM, Birmingham, wire drawers, July 24, Birmingham. Off. Ass. Whitmore; Sols. Hodgson & Co., Birmingham; Watson, Stourport.—Pet. f. July 2.

HOLT, JOHN, Dewsbury, Yorkshire, manufacturer, July 23, Leeds. Off. Ass. Young; Sols. Ibberson, Dewsbury; Bond & Co., Leeds.—Pet. f. July 4.

**HUNTER, GEORGE**, Ambleside, Westmoreland, corn merchant, July 21, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Hodge & Co., Newcastle-upon-Tyne.—Pet. f. July 1.

**INGHAM, HENRY**, Todmorden, Lancashire, clock maker, July 23, Todmorden. Off. Ass. Eastwood; Sol. Blomley, Todmorden.—Pet. f. June 29.

**JOHNSTON, JOHN WOODBURN**, Queensborough, Kent, clerk in her Majesty's Dockyard, Sheerness, July 20, Sheerness. Off. Ass. Edmeades; Sol. Goodwin, Maidstone.—Pet. f. July 1.

**KENNYWILL, WILLIAM**, Sheffield, stonemason, July 23, Sheffield. Off. Ass. Wake; Sol. Mason, York.—Pet. f. July 3.

**LAURENCE, ALFRED**, Weston-super-Mare, Somersetshire, butcher, July 14, Weston-super-Mare. Off. Ass. Davies; Sol. Smith, Weston-super-Mare.—Pet. f. June 11.

**LEWIS, JOHN WILLIAM**, Bangor, Carnarvonshire, wine merchant, July 17, Liverpool. Off. Ass. Morgan; Sols. Bass & Co., Burton-upon-Trent; Evans & Co., Liverpool.—Pet. f. June 24.

**LOADEN, ROBERT**, Ryde, Isle of Wight, butcher, July 15, Newport. Off. Ass. Blake; Sol. Joyce, Newport.—Pet. f. June 27.

**MASTILL, JAMES**, Leicester, out of business, July 29, Nottingham. Off. Ass. Harris; Sol. Petty, Leicester.—Pet. f. July 2.

**MATTHEWS, FREDERICK HOSKINS**, Hereford, banker, Aug 19, Hereford. Off. Ass. Kinnear; Sols. Bodenham & Co., Hereford; Hodgson & Co., Birmingham.—Pet. f. July 1.

**MERCER, HENRY**, Blackburn, Lancashire, grocer, July 23, Manchester. Off. Ass. Herniman; Sol. Gardner, Manchester.—Pet. f. July 3.

**MORSE, WILLIAM**, East Dean, Gloucestershire, innkeeper, July 17, Bristol. Off. Ass. Actman; Sols. Carter & Co., Newnham; Henderson, Bristol.—Pet. f. July 2.

**NEWMAN, GEORGE**, Tunbridge Wells, Kent, auctioneer, July 20, Tunbridge Wells. Off. Ass. Alleyne; Sols. Halse & Co., 61, Cheapside, and Tunbridge Wells.—Pet. f. July 3.

**NORTH, ROBERT**, Sheffield, Yorkshire, sleamith, July 23, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. July 3.

**PHILLIPS, GEORGE**, Waterloo, Lancashire, butcher, July 21, Liverpool. Off. Ass. Turner; Sol. Husband, Liverpool.—Pet. f. July 3.

**PREST, CHARLES**, Wakefield, Yorkshire, bookkeeper, Aug. 8, Wakefield. Off. Ass. Mason; Sol. Stocks, Wakefield.—Pet. f. July 3.

**SANDERS, PETER**, Milton Damerell, Devonshire, of no occupation, July 11, Holsworthy. Off. Ass. Coham.—Pet. f. June 15.

**SMITH, WILLIAM**, Kessingland, Suffolk, blacksmith, July 30, Lowestoft. Off. Ass. Chater; Sol. Archer, Lowestoft.—Pet. f. June 25.

**SOVERBY, MICHAEL**, Barnard Castle, Durham, plasterer, July 18, Barnard Castle. Off. Ass. Watson; Sol. Barnes, Barnard Castle.—Pet. f. July 4.

**TATE, JAMES**, Hartlepool, Durham, publican, July 18, Hartlepool. Off. Ass. Child; Sol. Marshall, West Hartlepool.—Pet. f. July 4.

**WALLIS, JOSEPH CHARLES OSBORNE**, Birmingham, licensed victualler, July 17, Birmingham. Off. Ass. Kinnear; Sol. East, Birmingham.—Pet. f. July 1.

**WARREN, GEORGE**, Sheffield, Yorkshire, publican, July 23, Sheffield. Off. Ass. Wake; Sol. Binney, Sheffield.—Pet. f. July 3.

**WRIGHT, JAMES**, Ashby-de-la-Zouch, Leicestershire, publican, July 17, Ashby-de-la-Zouch. Off. Ass. Dewes; Sol. Dewes, Ashby-de-la-Zouch.—Pet. f. July 3.

**WRIGHT, JOSEPH**, Dudley, Worcestershire, beer retailer, July 23, Dudley. Off. Ass. Walker; Sol. Mole, Dudley.—Pet. f. June 13.

**YOUNG, DANIEL**, Dunstable, Bedfordshire, baker, July 20, Luton. Off. Ass. Austin; Sol. Shepherd, Luton.—Pet. f. July 3.

**YOUNG, GEORGE**, Tipton, Staffordshire, grocer, July 24, Birmingham.—Off. Ass. Kinnear; Sol. Coulton, Dudley.—Pet. f. July 1.

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No. 445, NEW SERIES.—Vol. IX.  
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JULY 18, 1863.

PRICE 1s.

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## GAZETTES.—FRIDAY, July 10.

## BANKRUPTS.

*To be heard in London.*

- ANGEL, GEDALIAH, Commercial-street, Spitalfields, dealer in glass, July 28. *Off. Ass. Cannan; Sol. May, 2, Prince-street, Spitalfields.*—*Pet. f. July 8.*
- ARCHER, JAMES JOHN, Vaughan-road, Camberwell, commercial clerk, July 28. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. July 6.*
- BAKER, JESSE, Bedfordbury, St. Martin's-lane, haberdasher, July 21. *Off. Ass. Cannan; Sol. Waring, 25, Poultry.*—*Pet. f. July 7.*
- BECKLEY, RICHARD, Torrington-square, Bloomsbury, boarding-house keeper, July 21. *Off. Ass. Stansfeld; Sol. Fereday, 40, Bedford-row.*—*Pet. f. July 6.*
- BRATT, WILLIAM ALEXANDER, Ratcliffe-cross, licensed victualler, July 21. *Off. Ass. Cannan; Sol. Fereday, 40, Bedford-row.*—*Pet. f. July 3.*
- CAMERON, ALFRED WALTER, Shaftesbury-street, New North-road, Hoxton, cabinet manufacturer, July 28. *Off. Ass. Cannan; Sol. Heathfield, 19, Lincoln's-inn-fields.*—*Pet. f. July 8.*
- DEAR, NATHANIEL, Church-street, Kentish-town-road, and Caroline-place, Hampstead-road, out of business, July 21. *Off. Ass. Stansfeld; Sol. Hill, 10, Basinghall-street.*—*Pet. f. July 7.*
- FARNHAM, WILLIAM, Stratford, Essex, assistant to a wholesale milliner, July 28. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. July 2.*
- GODDY, EMANUEL CHARLES LOUIS, Suffolk-street, Pall Mall, July 28. *Off. Ass. Cannan; Sol. Lawrence & Co., 14, Old Jewry-chambers.*—*Pet. f. July 8.*
- GREEN, THOMAS WILLIAM, Castle-terrace, Pownall-road, Dalston, slipper manufacturer, July 21. *Off. Ass. Cannan; Sol. Marshall, 9, Lincoln's-inn-fields.*—*Pet. f. July 7.*
- HENDERSON, WILLIAM, St. Paul's-road, Kennington-park, out of employment, July 28. *Off. Ass. Cannan; Sol. Bartley, 10, Bucklersbury.*—*Pet. f. July 8.*
- HOOPER, MARY, Bedford-square, domestic servant, July 28. *Off. Ass. Edwards; Sol. Scott, 5, Verulam-buildings.*—*Pet. f. July 7.*
- HOLLINGS, GEORGE, David-place, East-street, Green-street, Bethnal-green, stonemason, July 28. *Off. Ass. Edwards; Sol. Hare, 66, Basinghall-street.*—*Pet. f. July 6.*
- INKERSOLE, JOHN, Pembury-road, Lower Clapton, in no business, July 28. *Off. Ass. Stansfeld; Sol. Nichols & Co., 9, Cook's-court, Lincoln's-inn.*—*Pet. f. July 6.*
- LAWRENCE, WILLIAM SNOWLER CAVELL, Chapel-street, Somers-town, commercial traveller, July 28. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. July 3.*
- M'CARTHY, GENEVIVE ANN, New Bond-street, artist, July 28. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. July 8.*
- ROBERTS, WILLIAM, Stebbington-street, Oakley-square, general smith, July 28. *Off. Ass. Cannan; Sol. Grayson, 43, Burton-crescent.*—*Pet. f. July 8.*
- SEAMAN, EDWARD CLEVELAND, Kingston Russell-place, Oakley-square, attorney, July 28. *Off. Ass. Edwards; Sol. Drew, 4, New Basinghall-street.*—*Pet. f. July 4.*
- SLINN, CHARLES, Northampton, builder, July 21. *Off. Ass. Cannan; Sol. Kingston & Co., 3, Laurence-lane, Cheap-side; Shields & Co., Northampton.*—*Pet. f. July 6.*
- STONE, JAMES, Canterbury, Kent, out of business, July 28. *Off. Ass. Edwards; Sol. Doyle, 2, Verulam-buildings, Gray's-inn; Delaunay, Canterbury.*—*Pet. f. July 6.*
- TOFF, CHARLES, Church-street, Clapham-road, baker, July 28. *Off. Ass. Edwards; Sol. Salaman, 29, St. Swithin's-lane.*—*Pet. f. July 6.*
- WHEAT, MATTHIAS, Freeschool-street, Horseley-down, baker, July 21. *Off. Ass. Cannan; Sol. Butler & Co., 191, Tooty-street.*—*Pet. f. July 6.*
- WILLER, THOMAS, Croydon, county-court bailiff, July 28. *Off. Ass. Cannan; Sol. Bramwell, 1, Scott's-yard, Bush-lane, Cannon-street.*—*Pet. f. July 8.*
- WILLIAMS, JAMES, Warwick-lane, Newgate-street, commission slaughterman, July 28. *Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.*—*Pet. f. July 8.*
- WOOD, WILLIAM MINTER, Cold Harbour-street, Camberwell, commission agent, July 28. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. July 6.*

*To be heard in the Country.*

- ALCOCK, JOHN, Leek, Staffordshire, brickmaker, July 23, Leek. *Off. Ass. Bloore; Sol. Redfern, Leek.*—*Pet. f. July 8.*
- BISHOP, THOMAS, Knowle, Somersetshire, manager to a lime burner, July 31, Bristol. *Off. Ass. Harley; Sol. Clifton & Co., Bristol.*—*Pet. f. July 6.*
- BROOK, FREDERICK, General, Yorkshire, manufacturer, Aug. 8, Dewsbury. *Off. Ass. Nelson; Sol. Ibberson, Dewsbury.*—*Pet. f. July 6.*
- BRUNSON, GEORGE, Cheltenham, Gloucestershire, baker, July 24, Bristol. *Off. Ass. Acreman; Sol. Wilkes, Gloucester.*—*Pet. f. July 8.*
- BURGE, ROBERT, Bristol, shipowner, July 24, Bristol. *Off. Ass. Miller; Sol. Roper, Bristol.*—*Pet. f. July 8.*
- BURN, JOHN, Winterbourne, Gloucestershire, baker, July 31, Bristol. *Off. Ass. Harley; Sol. f. July 8.*
- CARNEY, GEORGE, Portsea, Hampshire, superannuated gunner from her Majesty's Royal Navy, July 20, Portsmouth. *Off. Ass. the registrar; Sol. Paffard, Portsea.*—*Pet. f. July 6.*
- DAVIES, EVAN, Calo, Carmarthenshire, farmer, July 21, Llandovery. *Off. Ass. Jones; Sol. Vaughan, Lampeter.*—*Pet. f. July 1.*
- DORRIS, WILLIAM, Birmingham, druggist's assistant, Aug. 4, Birmingham. *Off. Ass. Guest; Sol. Allen, Birmingham.*—*Pet. f. July 6.*

- DYER, WILLIAM, Birmingham, stationer, July 27, Birmingham. *Off. Ass. Kinross; Sol. Harrison & Co., Birmingham.*—*Pet. f. July 7.*
- ELLIS, GEORGE, Great Waltham, Essex, coach builder, July 22, Chelmsford. *Off. Ass. Gopp; Sol. Duffield, Chelmsford.*—*Pet. f. July 6.*
- FISHER, ROBERT, Newcastle-upon-Tyne, out of business, July 20, Newcastle-upon-Tyne. *Off. Ass. Baker; Sol. Harle & Co., Newcastle-upon-Tyne, and 20, Southampton-buildings, Chancery-lane.*—*Pet. f. July 7.*
- FOULKES, MORRIS, Hanley, Staffordshire, grocer, July 21, Hanley. *Off. Ass. Challinor; Sol. Litchfield, Newcastle.*—*Adj. June 15.*
- GARDNER, WILLIAM, White Land, near Lamester, farmer, July 24, Manchester. *Off. Ass. Fraser; Sol. Gardner, Manchester.*—*Adj. June 17.*
- GEORGE, WILLIAM, Bristol, beer retailer, July 31, Bristol. *Off. Ass. Harley; Sol. Clifton & Co., Bristol.*—*Pet. f. July 7.*
- GITTINS, JAMES, Chorlton-upon-Medlock, Manchester, jeweller, July 27, Manchester. *Off. Ass. Kay; Sol. Dawson, Manchester.*—*Pet. f. July 6.*
- GRIMMOY, CHARLES, St. Peter, Hertfordshire, farm bailiff, July 25, St. Albans. *Off. Ass. Simpson; Sol. Annesley, St. Albans.*—*Pet. f. July 5.*
- HANCE, WILLIAM, Wargrave, Berkshire, grocer, July 23, Henley-on-Thames. *Off. Ass. Mercer; Sol. Smith, Reading.*—*Pet. f. July 7.*
- HAWORTH, JOHN PICKUP, Waterside, near Blackburn, Lancashire, farmer, July 22, Manchester. *Off. Ass. Herraman; Sol. Gardner, Manchester.*—*Adj. June 17.*
- HEATON, GEORGE, Shipley, Yorkshire, brickmaker, July 23, Leek. *Off. Ass. Young; Sol. Naylor, Leeds.*—*Pet. f. July 8.*
- HODGES, WILLIAM, Shosbury, Essex, baker, July 25, Rochester. *Off. Ass. Acworth; Sol. Hayward, Rochester.*—*Pet. f. June 30.*
- JONES, HENRY, Salford and Eccles, Lancashire, pawnbroker, July 22, Manchester. *Off. Ass. Herraman; Sol. Leigh, Manchester.*—*Pet. f. July 8.*
- JONES, JOHN, Nottingham, out of business, July 22, Nottingham. *Off. Ass. Patchitt; Sol. Buttery, Nottingham.*—*Pet. f. July 7.*
- KENNINGS, JOHN, Tring, Hertfordshire, harness maker, July 25, Aylesbury. *Off. Ass. Watson; Sol. Fell, Aylesbury.*—*Pet. f. July 7.*
- KWIGHT, FREDERICK, Liverpool, assistant to a silk mercer, July 21, Liverpool. *Off. Ass. Hime; Sol. Brannan, Liverpool.*—*Pet. f. July 6.*
- LEES, THOMAS, Rochdale, Lancashire, coal miner, July 21, Rochdale. *Off. Ass. Woods; Sol. Standing & Co., Rochdale.*—*Pet. f. July 7.*
- MOVSEY, JEREMIAH, Gillingham, Kent, dredgerman, July 25, Rochester. *Off. Ass. Acworth; Sol. Hayward, Rochester.*—*Pet. f. June 24.*
- NWOLDS, JOHN, Liverpool, bookkeeper, July 22, Liverpool. *Off. Ass. Hime; Sol. Anderson, Liverpool.*—*Pet. f. July 7.*
- PERRONS, JOHN, Old Basford, Nottingham, collector of taxes, July 29, Nottingham. *Off. Ass. Harris; Sol. Heath, Nottingham.*—*Pet. f. July 8.*
- SUTCLIFFE, JOHN, Halifax, Yorkshire, machine blacksmith, July 25, Todmorden. *Off. Ass. Eastwood; Sol. Blomley, Todmorden.*—*Pet. f. July 7.*
- VINER, MARY ANN, Brighton, shirt maker, July 30, Brighton. *Off. Ass. Everalld; Sol. Goodman, Brighton.*—*Pet. f. July 6.*
- WASTES, STEPHEN, Hadlow, Kent, schoolmaster, July 24, Tonbridge. *Off. Ass. Allayne; Sol. Goodwin, Maidstone.*—*Pet. f. July 7.*
- WARDEN, EDWARD, Burham, Kent, dealer in artificial manure, July 25, Rochester. *Off. Ass. Acworth.*—*Adj. June 15.*
- WHITEHOUSE, WILLIAM, Birmingham, coal agent, Aug. 4, Birmingham. *Off. Ass. Guest; Sol. Parry, Birmingham.*—*Pet. f. July 8.*
- WOODBINE, WILLIAM CLARKE, Manningtree, Essex, innkeeper, July 27, Colchester. *Off. Ass. Barnes; Sol. Jones, Colchester.*—*Pet. f. July 6.*
- WRIGHT, WILLIAM, Luton, Bedfordshire, boot maker, July 25, Luton. *Off. Ass. Austin; Sol. Simpson, Saint Albans, Hertfordshire.*—*Pet. f. July 7.*

## BANKRUPTCIES ANNULLED.

- BRIER, JOHN, Sunderland, merchant tailor.
- TINDALL, GEORGE, Albion-grove, Dalston, shipping agent.

## TUESDAY, July 14.

## BANKRUPTS.

*To be heard in London.*

- BASTEN, THOMAS, Reading, Berkshire, builder, July 28. *Off. Ass. Edwards; Sol. Simpson, 61, Moorgate-street.*—*Pet. f. July 8.*
- CASTLETON, FREDERICK THOMAS, Park-road, Clapham, tea dealer, July 28. *Off. Ass. Edwards; Sol. Haynes, 18, Southampton-buildings.*—*Pet. f. July 9.*
- ELTON, JOHN, Deptford, Sebmonger, July 28. *Off. Ass. Cannan; Sol. Ody, 14, Trinity-street, Southwark.*—*Pet. f. July 9.*
- GARDNER, FRANCIS EDITH, Berkeley-street, Bryanston-square, of no profession, July 28. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. July 8.*
- HALFORD, ALFRED CHARLES, Lupus-street, Pimlico, watchmaker, July 28. *Off. Ass. Cannan; Sol. Godfrey, 5, South-square, Gray's-inn.*—*Pet. f. July 9.*
- HARRISON, WILLIAM JOHN, Ebury-street, Pimlico, lodging-house keeper, Aug. 4. *Off. Ass. Edwards; Sol. Randall, 23, Coleman-street.*—*Pet. f. July 8.*
- JENNINGS, WILLIAM HOWES DOWNS, Ipswich, inland revenue officer, July 28. *Off. Ass. Edwards; Sol. Nichols & Co., 9, Cook's-court, Lincoln's-inn.*—*Pet. f. July 7.*
- LAWRENCE, EDWARD, Portsea, Hampshire, licensed brewer, July 28. *Off. Ass. Cannan; Sol. Nichols & Co., 9, Cook's-court, Lincoln's-inn; Stening, Portsea.*—*Pet. f. July 10.*

[For continuation of Gazette, see p. 263, col. 2.]

## CONTENTS.

London Gazette.....	258
Leading Article .....	259
Correspondence .....	261
Imperial Parliament .....	261

## NAMES OF THE CASES REPORTED.

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Ex parte</i> Paine, in re Gleaves.—( <i>Bankruptcy—Proof of debt—Mortgages—Disclaimer by assignees</i> ) ..	701
<i>Ex parte</i> The Dudley and West Bromwich Banking Company, in re Hopkins.—( <i>Bankruptcy—12 &amp; 13 Vict. c. 106, s. 12—Appeal—Time allowed for that purpose</i> ) .....	702

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Graham v. Wickham.—( <i>Covenant—Will—Appointment</i> ) .....	702
---	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Lechmere v. Brotheridge.—( <i>Fines and Recoveries Act—Wife's separate estate—Fee-simple</i> ) .....	705
--	-----

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Bacchus v. Gilbee.—( <i>Will—"Settle or secure"—Bond</i> ) .....	708
--	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Cust v. Middleton.—( <i>Will—Construction—Advocates—Next presentations—Trusts for sale</i> ) ....	709
Wrigley v. The Lancashire and Yorkshire Railway Company.—( <i>Railway company—Deposited plans—Deviation, limits of—Notice to treat—Railway Clauses Consolidation Act, sects. 15 and 16</i> ) ....	710

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCE, Barrister at Law.

Simpson v. The Scottish Union Fire and Life Insurance Company.—( <i>Fire insurance—14 Geo. 3, c. 78, s. 83</i> ) .....	711
--	-----

## EXCHEQUER CHAMBER.

By H. HOLROYD, Barrister at Law.

Aubert and Another v. Gray.—( <i>Marine insurance—Loss by restraint of a foreign prince</i> ) .....	714
Wright v. Wilkin.—( <i>Devise—Condition—Forfeiture</i> ) ..	715

## COURT OF QUEEN'S BENCH.

By H. HOLROYD, Barrister at Law.

Gay v. Mathews.—( <i>Quarter sessions—Appeal—Order of costs—12 &amp; 13 Vict. c. 45, s. 5</i> ) .....	716
---	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Russell v. Viscount Sa da Bandeira.—( <i>Contract—Extras to be authorised by order in writing—Other extras under verbal orders—Construction of a clause imposing a penalty—Shipbuilding</i> ) ..	718
--	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Hill v. Tupper.—( <i>Extraordinary servitude—Right to let boats for hire</i> ) .....	725
<i>Ex parte</i> Jones, in re Jones v. Young.—( <i>Newspaper—Sureties—Libel—Scire facias—Duty of the Court of Exchequer</i> ) .....	726

## COURT OF PROBATE.

By DR. MIDDLETON.

In the Goods of Lucy Wollaston, Widow, Deceased.—( <i>Married woman's will—Surviving the husband—1 Vict. c. 26, s. 24—No republication</i> ) ..	727
Morton v. Thorpe.—( <i>Invalid will—Citation of parties interested—Affidavits—Consent—Practice</i> ) ..	728

## THE JURIST.

LONDON, JULY 18, 1863.

In a former number (ante, p. 235) we made some observations upon the doctrine of the equity of a married woman to a settlement, particularly with reference to the case of *Wallace v. Auldjo* (9 Jur., N. S., part 1, p. 687), recently decided by Sir R. T. Kindersley, V. C., and we proposed at a future time more minutely to examine the authorities upon which his Honor, in giving his judgment, relied.

The real point decided in *Wallace v. Auldjo* is this—that although a married woman has filed a bill in Chancery claiming a settlement out of her personal property in the hands of trustees, if she die before a decree, her children will not be entitled to file a bill to enforce a settlement.

His Honor fully admitted that the case could not be decided on general principles, inasmuch as any conclusion which, by that process of reasoning, would be arrived at, would be found to be at variance with the conclusion which would be arrived at from reasoning in the same way from other propositions well established with respect to the doctrine. So that the reasoning would be baffled, and the conclusion would not be worthy of being trusted. And his Honor agreeing apparently with an observation made by some former judge in adjudicating on a case arising out of the consideration of the doctrine

now under discussion, thought that all that could be done was to deal with each case as it arose, by endeavouring to ascertain what had been the practice of the Court with reference to the particular question; that practice being only deducible from the decisions that had been made, and the opinions expressed, by learned judges in pronouncing those decisions.

Notwithstanding what his Honor lays down, it will be observed, that many of the judges appear to dispose of the cases upon this subject upon what they term general principles—doubtless not always in a manner satisfactory to any one who carefully considers them, nor without contradicting what has been laid down in other cases by other judges.

Independently, however, on general principles, and viewed only as a matter of practice, it seems to us, at least, doubtful, whether the case of *Wallace v. Auldjo* is rightly decided.

In giving judgment in that case, the first class of cases commented upon by his Honor, is that in which a bill has been filed, by which property of the wife has been brought under the dominion of the Court, but she has died without making any claim to a settlement. Sir J. Leach, in *Steinmetz v. Halthin* (1 Gl. & Ja. 64), which was the case of a simple administration suit on a bill filed by the trustees of a fund, although the married woman entitled to part of it died before decree and without putting in her answer, held, that her children might enforce a settlement in their own favour after her death, because, in his opinion the equity attached upon the filing of the bill,



and the wife having died without waiving it, the children became entitled to the benefit of it.

In *De la Garde v. Lempriere* (6 Beav. 344), which was also an administration suit, in which a decree for taking accounts, and making certain inquiries, had been made, but the married woman entitled to the estate died, without having claimed a right to a settlement, Lord Langdale, M. R., dissenting from the decision of Sir J. Leach, held, that her children were not entitled to a settlement, as the equity could not be considered as attaching on the property on the filing of the bill. "If it did," said his Honor, "it must, I apprehend, be considered for the benefit of her children at the same time; but if so, she could not afterwards waive it for herself, because her equity and theirs are one: and as it is admitted that she can waive it after the institution of the suit, it seems to me to follow, that it is not an equity which, upon the filing of the bill, attaches upon the property for the benefit of the children."

This reasoning of Lord Langdale is not very accurate, for, by the same process he might have arrived at the conclusion, that even *although a decree for a settlement had been obtained*, the children could not, after the death of their mother, enforce their claim for one. He might have argued, that as after a decree for a settlement, the wife can waive her right to it, it follows that it is not such an equity which, upon obtaining the decree, attaches for the benefit of the children—a conclusion, contradicted by cases, upon which no one could seriously attempt to throw a shadow of doubt.

It will be observed, however, by any one attentively reading the case of *De la Garde v. Lempriere*, that Lord Langdale expressly founds his judgment upon the fact, that the wife had not claimed a settlement; and says enough to lead us to infer that the result would have been different had she done so. "In this case," said his Honor, "the wife filed no bill claiming a settlement, and she died before an order for a settlement was made. . . . The Court will not pay the wife's legacy to the husband if she desires a settlement, or unless she waives it; but when death has made any option on her part impossible—when nothing has occurred from which it can be concluded that she has made an option—there seems to be no reason why the legal right of the husband should not prevail."

Now, even assuming that the opinion of Lord Langdale, in overruling the decision of Sir J. Leach, is right, it seems evident, if full weight be given to his observations, that he considered children were entitled to a settlement in all cases where the wife had declared her option in favour of having one made, and had died without waiving it; but that where no option had been declared, then the legal rights of the husband ought to prevail.

In the subsequent case of *Lloyd v. Mason* (5 Hare, 153), Sir J. Wigram, V. C., said that if, in order to decide that case, an obligation had been imposed upon him of deciding between the conflicting opinions of Sir J. Leach and Lord Langdale, he should certainly have taken a great deal of time to consider the matter. A dictum, however, of Sir J. Wigram in *Lloyd v. Mason* seems (in the opinion of Sir R. T. Kindersley, V. C.) to favour the conclusion at which his Honor arrived in *Wallace v. Auldjo*. Sir J. Wigram says, that "where a decree is made for the plaintiff, he may waive the decree; but the defendant is bound by it; but the mere filing a bill to enforce a right does not necessarily bind him." Now, the meaning of his Honor in this dictum is, perhaps, not quite so clearly expressed as it might have been; but in all probability it was intended to be confined to the case before him, and to the cases which he had just been considering, of *Steinmetz v. Balhith* and *De la Garde v. Lempriere*;

in none of which had any settlement been claimed by bill for the wife.

Vice-Chancellor Kindersley next cites *Osborn v. Morgan* (9 Hare, 432), in which he considers, from the observations made by Vice-Chancellor Turner, that it was clear he did not hold with Sir J. Leach, that the mere filing of a bill had the effect of impressing a trust upon the property.

Now, with regard to *Osborn v. Morgan*, it has no application to the question in discussion; for the wife in that case was living, and the point his Honor had to consider was, whether the wife was entitled to a settlement out of a reversionary interest in personally—a point which he determined adversely to the claim of the wife, upon the ground that her equity "only arose upon her husband's legal right to present possession." It is true, that his Honor says, "that the obligation of doing equity is not enforced upon the bill filed, because the bill may afterwards be dismissed." But this is a mere dictum, perhaps not intended to have so wide an application as it might have if detached from the case and the context; at all events, the reason given does not add to its weight; for why may not an equity attach upon the filing a bill, subject only to be enforced if the bill be not dismissed?

Vice-Chancellor Kindersley next claims a dictum of Lord Eldon in favour of his view upon this subject, where his Lordship says, in *Murray v. Lord Elibank* (10 Ves. 92), "The principle must be, that the wife obtained a judgment for the children, liable to be waived if she thought proper, otherwise to be left standing for their benefit at her death." Now, Lord Eldon, in this observation, merely confines himself to the case before him; he does not decide that it was essential to the success of the claim of the children that a judgment should be obtained by the wife, but that a judgment having been obtained by her children after her death, were entitled to the benefit of it.

There is, however, another very important dictum of Lord Eldon in a former part of the same case (p. 90), which seems entirely adverse to the decision of the Vice-Chancellor, and from which we cannot but infer, that, in Lord Eldon's opinion (at any rate, where the wife filed a bill claiming a settlement), her right attached upon the filing of the bill, and not merely upon her obtaining a decree. "I should have supposed," says Lord Eldon, "a decree made in the cause proceeded upon the right or equity in the wife at the filing of the bill; for decrees are only declarations of the Court upon the rights of the parties, when they begin to sue. The wife is entitled to call for a declaration that she then had a right to a provision for herself and her children; and yet it is clear, after such a bill filed, she might come into court, and consent to her husband having the fund entirely under his dominion. If she does not, the Court, by the decree, orders a proposal to be made for a settlement upon the wife and issue."

The last case referred to by Vice-Chancellor Kindersley is *Lloyd v. Williams* (1 Mad. 450). There the only point which it was necessary for Sir T. Plumer to decide was, whether, a contract having been entered into between the assignees of the husband, for a settlement upon the wife and her children, the children could enforce it after her death; and his Honor very rightly decided that they could do so. He went, however, rather out of his way in uttering the dictum, that the right of the children "can arise only out of contract, or under a decree." The authorities would, no doubt, have borne him out, had he confined himself to laying down the proposition, that the children have no independent equity of their own, but that they were able to enforce their right to a settlement when a contract or a decree for a settlement had been entered into

or obtained before the death of their mother. But he does not cite any case which justified him in confining their claim to those two cases, or which determined that the children are not entitled to a settlement when it has been claimed by the bill of their mother, though she may have died before entering into a contract, or obtaining a decree.

We cannot but think that the more convenient rule would be, that the children should be held to be entitled to a settlement whenever their mother has exercised her option by claiming one. And if there is no distinct authority in favour of such a rule, there certainly does not appear to be any one against it.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—Your correspondent "J. B. S." seems to have mistaken the point in the case of *Atkinson v. Holby*; on a more minute investigation of the devise, he will probably convince himself that the great grandchildren in question took their estates tail directly, and not by implication, and that the real question was, whether cross remainders should be implied amongst the different stocks from the gift over, or that cross remainders should be, as it were, anticipated and defeated by implying, for no reason whatever, estates tail in the grandchildren. I quoted the case of *Ives v. Legge* (3 Darn. & E. 468), as illustrating the referential construction to which I referred; and "J. B. S." if he will examine for himself, will find that the Lord Chancellor, holding the words "in default thereof" to include the case of the parent, tenant for life, dying without children, was nevertheless of opinion that the remainder over was vested, and took effect on the determination of the entail in the children. "J. B. S.'s" argument appears to be this—the word "heirs" being read "issue," therefore there could be no dispute about the expression, "in default thereof;" but this is a manifest fallacy. All I needed was a referential construction; when this was established, cross remainders would arise from a well-known general rule.

As to the case of *Ginger d. White v. White* (Willes, 348), I am astonished at the boldness with which "J. B. S." disputes the nature of it. It was a case in which the children of John had, after a life estate in John, been held to take estates tail; and a further question was, as to the construction of the words, "if John shall die without issue." Willes, C. J., says, "Let us see, in the next place, whether the words, 'In case John die without issue,' give him an estate tail in remainder. I am as clearly of opinion that they do not, and I think there are several cases that warrant this opinion, founded upon a rule of law which has never been contradicted in any case, and that there is not one case to support the contrary opinion" (p. 355). And, again (p. 358), "In the present case, the word 'issue' need not be rejected, but may have a reasonable construction, viz. to mean such issue as he had mentioned before." If "J. B. S." thinks (as I am led to conclude from some of his remarks) that he can partially adopt the referential construction for which I contend, and at the same time evade the implication of cross remainders, I flatter myself that he stands alone in that view of the case.

"The granddaughters are the first takers of the devised estates," writes "J. B. S."; if they had been under the devise, in the sense in which I understand "takers," I should have had no reason for occupying your valuable space, sir, at the length to which these comments have unavoidably grown.

Your obedient servant,  
G. L.

### Imperial Parliament.

#### HOUSE OF LORDS.—Thursday, July 9.

THE Statute-law Revision Bill, after a few words from Lord Portman and Lord Brougham, passed through committee.

#### Friday, July 10.

The Statute-law Revision Bill was read a third time and passed, with verbal amendments.

#### Monday, July 13.

The Royal assent was given to a number of bills, among which were the Security from Violence Bill and the Innkeepers' Liability Bill.

The Lord Chancellor brought in a bill to enable Her Majesty in Council to make alterations in the circuits of the judges.

#### HOUSE OF COMMONS.—Thursday, July 9.

The Misappropriation by Servants' Bill was read a third time and passed.

#### Friday, July 10.

#### THE STATE OF THE LAW COURTS.

Mr. Montague Smith rose to call attention to the insufficient accommodation in the courts of law at Westminster and in the city. He hoped the Government would give serious attention to the subject, which was of considerable importance. When a judge was obliged to suspend his sittings because the state of the court was dangerous to the health of those who had to attend in it, and when the business of the Queen's Bench was thus impeded, it was surely high time that a remedy should be provided for so great a scandal. The Government were bound to provide proper accommodation for the administration of justice. The present courts were, however, utterly unworthy of the country, and totally unfit for the purposes they had to serve. They combined all the defects which a court could possibly exhibit, and were as objectionable on account of their want of space as on account of the absence of convenient arrangement. The bar might, perhaps, become acclimatised to the bad atmosphere of these places; but some consideration should also be given to the suitors, witnesses, jurors, and the general public, who were occasional visitors. Of the six or seven courts of Westminster, only two, the Queen's Bench and Exchequer, were in the least suitable for the transaction of business. The Common Pleas, in which a full third of the important law business of the country was conducted, was much too small, and extremely ill-ventilated. When there was a trial which attracted public attention, the court was most inconveniently crowded; and there was an utter want of that proper accommodation, and that regard for the health of those who were engaged in the court, which ought to be exhibited in a tribunal of so much importance. The Court of Common Pleas might probably be borne with, but the Bail Court and the Court of Exchequer Chamber, which were now used for purposes for which they were not originally intended, were utterly disgraceful. With the exception of three courts in the city of London, they were the worst he had ever seen. There was but one entrance, and the greatest difficulty was experienced in transacting the business with common decorum and decency. But the courts in the city of London were infinitely worse. In the city six courts were now required, because each of the superior courts had two courts. At Guildhall there were only two or at most three courts which were fit for the transaction of business. The Queen's Bench and the Common Pleas, although nothing to boast of, were large and well ventilated; but the others were the very reverse. There were two new courts, which seemed to have been constructed for the purpose of preventing business being satisfactorily done in them. They were modelled after the fashion of cucumber frames, being large square boxes with glass tops; and in hot weather it was impossible to remain in them without extreme danger to health. It was in one of these courts that Mr. Justice Mellor recently found himself unable to go on with the business. The occurrence was reported in the Times; and the report, appearing, as it did, in a paper read throughout Europe, was a disgrace to the Government which permitted such a state of things to continue. It was as follows:—

"The Lord Chief Justice, upon taking his seat to-day, said that he had received a note from Mr. Justice Mellor, to the effect that it was utterly impossible, with due regard to the health of the judge, the bar, and the jurors, to continue the sitting of a second Queen's Bench Court in what was called the South Court of Guildhall. The atmosphere at this time of the year was most oppressive, and as there were no proper means of ventilation, long continuance in it was attended with most pernicious and injurious results. His Lordship added, that Mr. Justice Mellor was about to leave for circuit, but, under these circumstances, he could not ask any other judge of the Queen's Bench to incur the serious inconvenience from which his Brother Mellor had suffered for several days. There would, therefore, be no second Court of Queen's Bench for the remainder of these sittings."

The consequence had been a great addition to the arrear of causes. But the report in the *Times* did not go far enough, for he believed that Mr. Justice Mellor complained also of the confined space of the court, and its inconvenience in every respect. On the following day the recorder for the city held a sitting in the same court. He presumed the city authorities acted on the principle that they might do what they liked with their own; but certainly the learned recorder must have sat in an atmosphere extremely injurious to his health. The city authorities were scarcely to be blamed for this state of things, because it was only in recent years that two courts had existed for each of the superior courts, and he believed that the additional accommodation provided was intended to be only of a temporary character. Unfortunately, however, it had existed without change for a number of years, and, notwithstanding numerous complaints, no effort had been made to remedy the inconvenience. Both at Westminster and in the city there were no waiting-rooms or retiring-places for witnesses, many of whom were women; and all attending the courts had either to haunt the purlieus or to remain in neighbouring taverns until they were called. No attempt had been made to give the bar any accommodation whatever. At Westminster there was no room where the bar could have a library. In that respect Edinburgh and Dublin were far before London, and a much better state of things existed even in Liverpool and other provincial towns. He did not wish to throw blame on the present Government. Only a year ago, indeed, they endeavoured to provide a remedy by proposing the establishment of a palace of justice. It was to be regretted that their scheme was defeated by a hasty division; but he was bound to say, that although the hon. and learned member for Cambridge University had the apparent honour of defeating it, he believed it received its death-wound from some unseen hand at the Treasury. He hoped the Government would either re-introduce that measure or bring forward one of a less comprehensive character, for if millions could be expended on fortifications, and if a large sum could be voted for the purchase of a building for a collection of stuffed animals, surely we could afford to have courts of justice worthy of the greatness and wealth of the country.

Mr. *Malins* said, that, bad as were the defects of the courts of law, they sank into insignificance compared with those of the courts of equity. By alterations made during the last three or four years the courts of equity had been turned into *nisi prius* courts. The Chief Commissioner of Works, who had visited Lincoln's-inn, would know that a vast amount of the administrative business of the Court of Chancery was conducted in chambers not larger than the room behind the Speaker's chair, and which were utterly unfit for the transaction of any business whatever. Then, the courts of equity themselves were in a worse state, as regarded accommodation, than even the courts of common law. There was no space for a jury box, no place for the jury to retire to when they had to consult together, no room for the bar and the solicitors, and the room into which the judge had to retire was about eight feet square. Two of the Vice-Chancellors sat in sheds that were erected twenty years ago, when the judicial staff was increased. There ought to be one great central building, where justice in all its branches could be duly and decorously administered, instead of having the courts scattered, as was now the case, in different parts of the town. The courts of equity might be kept together at Lincoln's-inn for an outlay of about 100,000*l.* only. If that were carried out, he would be glad to support the scheme for placing all the courts of law under one roof between Lin-

coln's-inn and the Temple. He would be happy to concur in that, or in any other situation which the Government might fix upon in which to provide suitable courts, with accommodation for the judges, the bar, the solicitors, the suitors, the jury, and the witnesses; so that there might be some approach made to the proper and decent administration of justice. When the Government contemplated making an expenditure at Kensington, or elsewhere, there seemed to be no lack of means for the purpose; and the Chancellor of the Exchequer ought not to refuse to provide the funds for an improvement so important and so imperatively called for as the present. He thought a million of money would suffice for the whole of the courts of law and equity, the interest upon which, at 3*l.* per cent., would be 30,000*l.* The suitors, he was sure, would be gladly taxed to pay that amount of interest; although, as the Solicitor-General knew, the means already existed for defraying it. He appealed, therefore, to the Government to take the necessary steps without delay for securing an object which ought to be the first concern of a civilised State.

Mr. *Collier* thought that the hon. and learned member for Truro deserved the thanks of the profession and the public for calling attention to what had long been a crying grievance. The complaints regarding the defective accommodation in Westminster-hall were very old, and Lord Erskine had once called the Court of Common Pleas a hole in the wall. There had been a vast increase of judicial business of late years, owing to a variety of causes, and the courts of law were entirely blocked up. There was a great delay in the hearing of cases, and if a case was entered in the Court of Queen's Bench the chances were that it would not be disposed of for twelve months. Indeed, it was a question with him, whether the existing judicial strength was sufficient for the transaction of all the business which now came before the courts. He regretted that the comprehensive scheme of the Lord Chancellor, for erecting one large building in which all the courts should be concentrated, had not been successful.

Mr. *Whiteside* instanced the Probate Court recently erected in Ireland as an instance of bad taste and inconvenient arrangement. He wished, before the Solicitor-General spoke on this subject, to put to him two questions—a particular question and a general one. The particular question related to the assimilation of the law in the two kingdoms. A person had lately been tried in Ireland for sending a threatening letter. There they might establish the proof of writing by comparison, but in England that law was made to apply only to civil cases; in Ireland it applied to both civil and criminal cases. He wished, therefore, to ask the Solicitor-General which was the best law; and whether, as there were two separate laws of evidence, the one in civil the other in criminal cases, that distinction should prevail. The other question he had to put was general. Elsewhere something was being done in the consolidation and assimilation of the statute law; he wished to know if anything was to be done in that respect for Ireland.

The Solicitor-General observed, that at that late period of the session it would, of course, be impossible for the Government to introduce any measure on the subject of the law courts with any chance of carrying it. He had, however, heard with great interest and satisfaction the observations made by so many of his hon. and learned friends relative to the deplorable condition of the courts compared with those of any other civilised country. He owned, if those eloquent statements from the other side had been made last year they might have been attended with considerable effect. The measure introduced by the Government, which was now described as an excellent comprehensive measure, was lost by a majority of one, and his hon. and learned friend for Warrington was that individual. He did not mean to say what would be the best course for the Government to take, with the uncertainty that might still prevail as to the views of Lincoln's-inn, and of other members sitting on the same side of the House with his hon. friend the member for Warrington. Undoubtedly the evil complained of required a remedy; but he should not so much regret the temporary continuance of the miserable state of things described as an attempt to meet it by incomplete or inadequate measures. The country had a real and important interest in providing properly for the administration of justice; and we had actually got the money in hand. Not one farthing need be voted by the House. There was every reason to believe that the funds

in the Court of Chancery which might be legitimately used for this purpose would be adequate for the whole expense of the purchase of ground and buildings. He hoped this discussion would not be without fruit; but he certainly did not admit that the Government in 1868 was to blame for the continuance of the inconvenience complained of. With reference to the questions put by the right hon. gentleman the member for the University of Dublin, he had to state that the rule of evidence ought to be the same in criminal as in civil matters, and before long he hoped the anomaly would be removed. With regard to the general consolidation of the statutes, that was a very large undertaking, as to which he could give no promise at present. In England the work of expurgation and reduction was going on; when that was done, other undertakings might follow. He believed preparations were going on, and the work was actually in progress, with regard to the body of the Irish statutes.

Mr. Lygon protested against its being supposed that there were not serious objections to the great and comprehensive scheme which had been referred to. In his opinion it was unnecessary and extravagant. The better plan would be, to make use of existing accommodation, and add to it anything which might be needed. He was, however, content to leave the matter upon the Treasury minute of 1861, which shewed that it was probable that, according to the scheme proposed, a large charge would fall upon the public.

The Chancellor of the Exchequer said that the Treasury minute referred to was not a statement of the outlay which the scheme must necessarily involve, but a maximum estimate of the sum which it might cost. Of late years the Treasury, warned by what had occurred with regard to public buildings, more especially with regard to the Palace of Westminster, had adopted the course of submitting to the House only maximum estimates—estimates of the highest sum which the works referred to could possibly cost. Unfortunately, hon. members had, in two or three cases, assumed that these were minimum estimates, which would be sure to be exceeded, and thus a certain amount of delusion had been produced. With respect to the building of new courts, the Government had been waiting for the concurrence of the House; and after the encouragement which they had received in the course of this debate, they would, no doubt, be ready to discharge the duty to which the hon. and learned member opposite had directed their attention.

Mr. O'Hagan said, that two gentlemen of capacity and experience were engaged under his direction in doing for the statutes of Ireland what was now being done for those of England, and he had no doubt that their work would be efficiently and successfully performed.

Mr. C. Bentinck, as a member of the committee which examined the scheme for the construction of the courts of justice, said that the opinion of that committee was, that the estimate was not a maximum but a minimum one, and that the building could not be erected simply out of the Sutors' Fund. The fact was, that it was the case of the Brompton boilers and Captain Fowke over again. It was a pet scheme of the present Lord Chancellor, then Attorney-General, who had his pet architect, Mr. Abraham. Mr. Abraham himself was forced to admit that if the proposition of Lincoln's-inn were accepted one-half the expense would be saved.

Monday, July 13.

#### RE-ARRANGEMENT OF CIRCUITS.

In reply to Mr. Hadfield.

The Solicitor-General said he believed a bill enabling Her Majesty to re-arrange the circuits had been or would be immediately introduced into the House of Lords by the Lord Chancellor, with every hope that it would be passed this session. He was not aware of any proposal to increase the number of judges, or to effect any extensive alterations in the existing assize arrangements.

Tuesday, July 14.

Mr. Whalley obtained leave to introduce a bill to amend the law relating to persons charged with petty offences, and to enable such persons and their wives to give evidence.

Mr. B. Vaughan Williams, of the North Wales Circuit, has been appointed Judge of the County Court Circuit No. 29, vacant by the decease of Mr. Edward Lewis Richards.

QUICKLEY, WILLIAM, Canterbury-place, Lambeth, Surrey, out of business, July 28. Off. Ass. Cannan; Sol. Drew, New Ealinghall-street.—Pet. 2 July 11.

RANDALL, THOMAS WILLIAM, Hyde-terrace, Battersea, out of business, July 28. Off. Ass. Stansfeld; Sols. Peckham & Co., 17, Great Knight Rider-street, Doctors'-commons.—Pet. 2 July 10.

SCHICK, WILLIAM MANSFIELD, Redcross-street, Cripplegate, commercial clerk, July 28. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. 2 July 9.

STAPLES, EDWARD, Ely, Cambridgeshire, corn merchant, July 28. Off. Ass. Cannan; Sol. Richardson, 15, Old Jewry-chambers.—Pet. 2 July 10.

THORN, ROBERT, Pearson-street, Kingsland-road, butcher, Aug. 1. Off. Ass. Edwards; Sol. Buchanan, 13, Basinghall-street.—Pet. 2 July 8.

WINGROVE, JAMES, Woburn-green, Buckinghamshire, grocer, July 28. Off. Ass. Edwards; Sol. Godfrey, 5, South-square, Gray's-inn.—Pet. 2 July 9.

WYTHEY, JOHN SHERWOOD, Edmonston, nurseryman, July 28. Off. Ass. Cannan; Sol. Bartow, 15, Cannon-street West.—Pet. 2 July 9.

WOODBRIDGE, WILLIAM, Kirby-le-Soken, Essex, farmer, July 28. Off. Ass. Edwards; Sol. Jones, 61, Chandury-lane, and Colchester.—Pet. 2 July 9.

#### To be heard in the Country.

BAILEY, JOHN, Hutton-le-Hole, Durham, grocer, July 29, Durham. Off. Ass. Beamwell; Sol. Brignal, Durham.—Pet. 2 July 10.

BAKER, DAVID, Kingston-upon-Hull, provision dealer, July 29, Hull. Off. Ass. Phillips; Sol. Reed, Hull.—Pet. 2 July 8.

BARNETT, THOMAS, Hertford, infunder, July 31, Hertford. Off. Ass. Spence; Sols. Longmore & Co., Hertford.—Pet. 2 July 8.

BLANCHET, FLORENCE, Nottingham, plaster maker, Aug. 3, Nottingham. Off. Ass. Patchitt; Sol. Brown, Nottingham.—Pet. 2 July 11.

BULLER, WILLIAM, Cloworth, Somersetshire, cattle dealer, July 24, Yeovil. Off. Ass. Batten; Sol. Fear, Sherborne, Dorsetshire.—Pet. 2 July 8.

BURROW, ROBERT, Bampton, Westmoreland, clogger, July 24, Penrith. Off. Ass. Varty; Sol. Arnison, Penrith.—Pet. 2 July 9.

CARTLENDER, JOHN, Longton, Staffordshire, potter's fireman, July 24, Stoke-upon-Trent. Off. Ass. Keary; Sols. Tennant & Co., Hanley.—Pet. 2 July 10.

CHAPMAN, EDWARD, Plymouth, accountant, July 29, East Stonehouse. Off. Ass. Pearce; Sols. Edmonds & Co., Plymouth.—Pet. 2 July 10.

CHARLEY, WILLIAM, Coventry, Warwickshire, dyer, July 27, Birmingham. Off. Ass. Whitmore; Sols. Walker, Wolverhampton; Hodgson & Co., Birmingham.—Pet. 2 July 10.

CROSS, CHARLES, Shrewsbury, Shropshire, grocer, July 29, Shrewsbury. Off. Ass. Poole; Sol. Davies, Shrewsbury.—Pet. 2 July 9.

DAVIES, WILLIAM, Ystradgynolwg, Glamorganshire, farm labourer, July 27, Pontypridd. Off. Ass. Spickett; Sol. Bird, Cardiff.—Pet. 2 July 9.

DEAN, FRANCIS, Stoke-upon-Trent, Staffordshire, blacksmith, July 25, Stoke-upon-Trent. Off. Ass. Keary; Sol. Litchfield, Newcastle.—Pet. 2 July 8.

EYEBARD, JOSEPH, Long Buckby, Northamptonshire, farmer, July 22, Daventry. Off. Ass. Willoughby; Sol. Andrew, Brixworth.—Pet. 2 July 8.

FOLEY, JAMES, Bristol, wholesale stationer, July 24, Bristol. Off. Ass. Aoraman; Sols. Vassall & Co., Bristol.—Pet. 2 July 3.

FORSTER, THOMAS, Ripon, Yorkshire, cabinet maker, July 30, Ripon. Off. Ass. Heslop; Sol. Fisher, Masham.—Pet. 2 July 9.

GREENWOOD, WILLIAM, Colchester, Essex, tailor, July 27, Colchester. Off. Ass. Barnes; Sols. Digby & Co., Maldon.—Pet. 2 July 11.

HOLLAND, THOMAS, Stockport, Cheshire, candlewick spinner, Aug. 7, Stockport. Off. Ass. Coppock; Sol. Howard, Stockport.—Pet. 2 July 6.

JUDE, JOHN BEAL, Sheerness, Kent, mariner, July 27, Sheerness. Off. Ass. Edmeades.—Adj. April 17.

LEWIS, ABRAHAM, Bristol, butcher, July 31, Bristol. Off. Ass. Harley; Sol. Watkins.—Pet. 2 July 9.

LOOMMOSE, JOHN, Bridgend, Glamorganshire, lime burner, July 24, Bristol. Off. Ass. Aoraman; Sol. Britton, Bristol.—Pet. 2 July 10.

LOTINGA, ASHER MOORE, and LOTINGA, ABRAHAM ASHER, Sunderland, Durham, merchants, Aug. 4, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Eglington, Sunderland.—Pet. 2 July 9.

MARR, WILLIAM, Swansea, Glamorganshire, butcher, Aug. 5, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. 2 July 7.

MENDHAM, AMELIA, Nottingham, professor of music, Aug. 5, Nottingham. Off. Ass. Patchitt; Sol. Brown, Nottingham.—Pet. 2 July 10.

MUSTILL, JAMES (and not MASTILL, as previously advertised), Leicester, out of business, July 29, Nottingham. Off. Ass. Harris; Sol. Petty, Leicester.—Pet. 2 July 2.

PEARSON, SAMUEL, Lichfield, Staffordshire, professor of music, July 31, Birmingham. Off. Ass. Kinnear; Sol. Reese, Birmingham.—Pet. 2 July 10.

PHILLIPS, JOHN, Mynyddylwyn, Monmouthshire, carpenter, July 24, Bristol. Off. Ass. Miller; Sol. Blakey, Newport.—Pet. 2 July 3.

RIDD, JOHN, Bideford, Devonshire, wine merchant, July 29, Exeter. Off. Ass. Hirtzel; Sols. Buse, Bideford; Terrell, Exeter.—Pet. 2 July 6.

RIDGE, THOMAS, Wolverhampton, Staffordshire, coal dealer, July 27, Birmingham. Off. Ass. Whitmore; Sol. Thurstans, Wolverhampton.—Pet. 2 July 9.

SKELDING, JOHN, Birmingham, plumber, Aug. 4, Birmingham. Off. Ass. Guest; Sols. Powell & Co., Birmingham.—Pet. 2 July 10.

SLACK, MARK, and BLACK MARK CHRISTOPHER, Hereford, timber merchants, Aug. 8, Hereford. Off. Ass. Kinnear; Sols. Bodeham & Co., and Symonds, Hereford; Hodgson & Co., Birmingham.—Pet. 2 July 9.

SMALLMAN, JOHN, Dawley, Shropshire, brickmaker, Aug. 8, Madeley. Off. Ass. Potts; Sol. Taylor, Wellington.—Pet. 2 July 11.

STIFF, JOHN, Aldershot, Hampshire, baker, July 29, Farnham. Off. Ass. Hollett; Sol. White, Guildford.—Pet. 2 July 7.

**BUDLOW, HENRY MERCER**, Liverpool, bookkeeper, July 27, Liverpool. *Off. Ass. Hime*; *Sol. Browne*, Liverpool.—*Pet. f. July 10.*  
**TAYLOR, JAMES**, Liverpool, auctioneer, July 28, Liverpool. *Off. Ass. Hime*; *Sol. Henry*, Liverpool.—*Pet. f. June 11.*  
**TELLING, THOMAS**, Stratton, Gloucestershire, baker, July 24, Cirencester. *Off. Ass. Anderson*; *Sol. Hampton*, Cirencester.—*Pet. f. July 10.*  
**THOMPSON, GEORGE**, Caistor, Lincolnshire, innkeeper, July 27, Caistor. *Off. Ass. Haddelacy*; *Sols. Brown & Co.*, Lincoln.—*Pet. f. July 9.*  
**THURSTLE, JOHN**, Kingston-upon-Hull, butcher, July 29, Kingston-upon-Hull. *Off. Ass. Carrick*; *Sols. Spurr & Co.*, Hull.—*Pet. f. July 4.*  
**TYLER, GEORGE**, Bristol, beer retailer, July 31, Bristol. *Off. Ass. Harley*; *Sol. Hull*.—*Pet. f. July 11.*

#### BANKRUPTCIES ANNULLED.

**INGLEDEW, EDWIN**, Titchbourne-street, Edgeware-road, Paddington, out of business.  
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**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed Frederick John Blake, Gent., of South Sea House, City, to be a London Commissioner to administer oaths in the High Court of Chancery.

The Right Hon. Stephen Lushington, D. C. L., Judge of the High Court of Admiralty of England, has appointed George Henry Knight, Solicitor, of Rochester in the county of Kent, to be a Commissioner to administer oaths in Admiralty.

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*To be heard in London.*

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BAILLIE, JAMES MILLER, and DUYSTER, GUSTAVUS, Great St. Helen's, Bishopgate-street Within, merchants, Aug. 1. Off. Ass. Edwards; Sols. Sole & Co., Aldermanbury.—Pet. f. July 4.

CALLOW, EDWARD, St. Paul's-grove, Balls-pend, out of business, July 28. Off. Ass. Cannan; Sol. Wetherfield, 36, Moorgate-street.—Pet. f. July 13.

CRUCH, DANIEL, Buxton-street, Spitalfields, chemist, Aug. 4. Off. Ass. Stansfeld; Sol. Ingle, 37, King William-street, City.—Pet. f. July 15.

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GARNER, GEORGE, Kingston, Surrey, fancy stationer, Aug. 1. Off. Ass. Edwards; Sol. Drew, 4, New Basinghall-street.—Pet. f. July 11.

HADLEY, JOHN, Amelia-place, Walworth, baker, Aug. 1. Off. Ass. Edwards; Sols. Sydney & Co., 46, Finsbury-circus.—Pet. f. July 13.

HAYS, JAMES SILVESTER, Gravel-lane, Southwark, licensed victualler, Aug. 1. Off. Ass. Edwards; Sol. Foord, Finner's-hall, Old Broad-street.—Pet. f. July 14.

JAMES, REBECCA, Gravesend, victualler, Aug. 1. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. July 14.

LAWRENCE, WILLIAM, Beaufort-street, Chelsea, commercial traveller, Aug. 4. Off. Ass. Edwards; Sol. Murrrough, 18, Warwick-court, Gray's-inn.—Pet. f. July 14.

LINSON, JOHN, Braunston, Northamptonshire, builder, July 28. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. June 11.

MARSHALL, JAMES HENRY, Liverpool-street, King's-cross, out of business, July 28. Off. Ass. Cannan; Sols. King & Co., 39, Bloomsbury-square.—Pet. f. July 14.

MEREDITH, JAMES, Salisbury-street, Portman-market, out of business, July 28. Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. July 13.

MORRIS, JOHN GRAFFITHS, Northampton, licensed victualler, Aug. 1. Off. Ass. Edwards; Sol. Williams, 3, Lawrence-lane.—Pet. f. July 13.

ONELOW, GEORGE, Willow-place, St. Peters'-road, Mile-end, commercial traveller, July 28. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. July 13.

PHILLIPS, JOHN, City-road, fur rug manufacturer, Aug. 1. Off. Ass. Edwards; Sol. Feresday, 40, Bedford-row.—Pet. f. July 13.

ROBERTS, JOHN ROBERT, Borough Market and Stoney-croft, Southwark, licensed victualler, Aug. 4. Off. Ass. Edwards; Sol. Farmer, 17A, Sise-lane.—Pet. f. July 15.

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WALLER, EDWARD AUGUSTUS, Baywater, railway contractors' agent, July 28. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 9.

*To be heard in the Country.*

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APPLETON, JOSEPH, Warrington, Lancashire, file smith, July 30, Warrington. Off. Ass. Nicholson; Sol. Day, Warrington.—Pet. f. July 2.

BAKEWELL, HENRY, Birmingham, estate agent, Aug. 4, Birmingham. Off. Ass. Guest.—Pet. f. July 6.

BARNES, GEORGE, Bedford, grocer, July 27, Bedford. Off. Ass. Hinrich; Sol. Scott, 7, Staple-inn.—Pet. f. July 13.

BATE, JOHN, Birmingham, provision dealer, Aug. 4, Birmingham. Off. Ass. Guest.—Pet. f. July 6.

BEARDSHAW, JOHN, Ecclesfield-common, Yorkshire, publican, Aug. 5, Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. July 14.

BIRKETT, JACOB, Liverpool, commission agent, July 28, Liverpool. Off. Ass. Hime; Sols. Evans & Co., Liverpool.—Adj. June 17.

BULL, THOMAS STEPHENS, Clifton, Gloucestershire, mason, July 25, Stroud. Off. Ass. Anderson; Sol. Clutterbuck, Stroud.—Pet. f. July 11.

BROWN, JOSEPH, Wombidge, Shropshire, licensed victualler, Aug. 7, Wellington. Off. Ass. Nevill; Sol. James, Wellington.—Pet. f. July 10.

CADDICK, RICHARD, West Bromwich, Staffordshire, attorney, July 31, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham; Round, Tipton; Bayley, West Bromwich.—Pet. f. July 14.

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COULTAS, EDWARD, Birmingham, provision dealer, Aug. 4, Birmingham. Off. Ass. Guest.—Pet. f. July 6.

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DARRALL, JOHN, Deepfields, near Bilston, Staffordshire, grocer, Aug. 3, Birmingham. Off. Ass. Whitmore.—Adj. July 14.

DOUGLAS, BENJAMIN, Liverpool and Warrington, provision dealer, July 28, Liverpool. Off. Ass. Turner.—Adj. July 13.

EAKEWELL, JOSEPH, Standington, near Sheffield, farmer, Aug. 5, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. June 5.

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LAWTON, ELIAS, Burslem, Staffordshire, cabinet maker, Aug. 15, Hanley. Off. Ass. Challinor; Sol. Sutton, Burslem.—Pet. f. July 14.

LAYCOCK, THOMAS, Brotherton, near Pontefract, Yorkshire, cattle dealer, July 29, Pontefract. Off. Ass. Coleman; Sol. Mason, York and Sheffield.—Pet. f. July 3.

LEGGETT, HENRY, Gorleston, Suffolk, fisherman, Aug. 7, Great Yarmouth. Off. Ass. Palmer; Sol. Cufauds, Great Yarmouth.—Pet. f. July 10.

MARSHALL, RICHARD, Middlesbrough, Yorkshire, shoe dealer, July 28, Stockton-on-Tees. Off. Ass. Crosby; Sol. Mason, York and Sheffield.—Pet. f. July 7.

MELLOR, WILLIAM HENRY, Liverpool, brewer, July 31, Liverpool. Off. Ass. Morgan; Sols. Haigh & Co., Liverpool.—Pet. f. July 9.

MEESON, CHARLES, Manchester, boot maker, Aug. 13, Manchester. Off. Ass. Pott; Sol. Gardner, Manchester.—Adj. Nov. 19.

MILLER, PHILIP ROBERTSON, Birmingham, commission agent, July 31, Birmingham. Off. Ass. Kinnear.—Pet. f. July 10.

MUNTON, GEORGE, Hanbury, Staffordshire, coachman, Aug. 8, Burton. Off. Ass. Hubberty; Sol. Bagshaw, Uttoxeter.—Pet. f. July 11.

NEWMAN, EDWARD THOMAS, Bognor, Sussex, plumber, July 29, Chichester. Off. Ass. Sowton; Sol. Goodman, Brighton.—Pet. f. July 13.

PATRIDGE, JAMES EDWARD, West Bromwich, Staffordshire, brass-founder, Aug. 3, Birmingham. Off. Ass. Kinnear; Sol. Smith, Birmingham.—Pet. f. July 15.

PITT, JOSEPH, Worcester, cooper, July 30, Worcester. Off. Ass. Hill; Sol. Wilson, Worcester.—Pet. f. July 4.

REA, THOMAS, Liverpool, dealer in old metal, July 28, Liverpool. Off. Ass. Morgan.—Adj. July 13.

RICHARDSON, WILLIAM, Maids Moreton, Buckinghamshire, out of business, July 29, Buckingham. Off. Ass. Hearn; Sol. Small, Buckingham.

ST. CLAIR, GEORGE HORATIO, Birmingham, auctioneer, Aug. 4, Birmingham. Off. Ass. Guest.—Pet. f. July 6.

SCOTT, WILLIAM, Castlesowery, Cumberland, blacksmith, July 31, Penrith. Off. Ass. Varty; Sol. Arnsden, Penrith.—Pet. f. July 15.

SERGEANT, JOHN, Liverpool, timber dealer, July 28, Liverpool. Off. Ass. Turner.—Adj. July 13.

SHACKLETON, GEORGE, Leeds, corn dealer, Aug. 3, Leeds. Off. Ass. Carrick; Sols. Robinson, Skipton; Bond & Co., Leeds.—Pet. f. July 4.

SHELLEY, EDWARD, Wolverhampton, commission agent, Aug. 3, Birmingham. Off. Ass. Kinnear; Sols. Round, Tipton; James & Co., Birmingham.—Pet. f. July 15.

SHELLEY, EDWARD SHAW, Bilston, Staffordshire, chemist, July 31, Birmingham. Off. Ass. Kinnear; Sols. Round, Tipton; James & Co., Birmingham.—Pet. f. July 15.

SHELLEY, JOHN BURTON, Bilston, Staffordshire, chemist, Aug. 3, Birmingham. Off. Ass. Kinnear; Sols. Round, Tipton; James & Co., Birmingham.—Pet. f. July 15.

SMITH, SAMUEL, Liverpool, grocer, July 28, Liverpool. Off. Ass. Morgan.—Adj. July 13.

STARMER, THOMAS, Manchester, bootmaker, Aug. 24, Manchester. Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. July 13.

TOWNSEND, SAMUEL, Leicester, dealer in wood, July 29, Nottingham. Off. Ass. Harris; Sol. Law, Stamford.—Pet. f. July 14.

TUNE, THOMAS, Winterton, Lincolnshire, carrier, Aug. 5, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Pettingell, Hull.—Pet. f. July 14.

[For continuation of Gazette, see p. 271.]

## CONTENTS.

London Gazettes.....	206
Leading Article .....	267
Books Received .....	268
Bill for Promoting the Revision of the Statute Law, by repealing certain Enactments which have ceased to be in force, or have become unnecessary .....	268
Imperial Parliament .....	270

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

Charlotte Abraham and Another, Apprs., Francis Abraham, Resp.—( <i>Hindus—Rights—Obligations—Family tie—Heirship—Partnership—Convert to Christianity—Native Christians—Law of succession—Lex loci</i> ) .....	729
---	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Cookney v. Anderson.—( <i>Demurrer—Scotch partnership—Extra-territorial jurisdiction—Service of process out of jurisdiction—2 Will. 4, c. 33—4 &amp; 5 Will. 4, c. 82—Consolidated Order 10, rule 7</i> ) .....	736
---	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Scholefield v. Lockwood.—( <i>Mortgage by husband and wife—Mistake in deed—Estoppel—Mortgagee in possession—Claim for insurance and improvements</i> ) .....	738
In re Ford.—( <i>Husband and wife—Desertion</i> ) .....	740
Forster v. Davies.—( <i>Taxation—Costs as between solicitor and client—Consultation with Queen's counsel upon frame of bill</i> ) .....	741
Wilcoxon v. Wilkins.—( <i>Practice—Entering appearance—Substituted service</i> ) .....	742

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Partridge v. Smith.—( <i>Agreement—Family arrangement</i> ) .....	742
---	-----

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH, Barrister at Law.

Fuller v. Taylor.—( <i>Practice—Interim order—Injunction</i> ) .....	743
--	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Reg., on the Prosecution of the Overseers of the Township of Crick v. The Inhabitants of the Pa-	
--	--

rish of St. Alkmunds.—( <i>Pauper—Removal—Demand of copy of depositions—Practice—Demand to be made to justices' clerk—Notice of appeal—11 &amp; 12 Vict. c. 31, ss. 3, 9</i> ) .....	744
Morley v. Greenhalgh and Others.—( <i>Cockfighting—"Place kept or used for the purpose of fighting cocks," &amp;c.—12 &amp; 13 Vict. c. 92, s. 3</i> ) .....	745
Reg., on the Prosecution of Thomas Powell and Another, Apprs., The Newport Local Board of Health, Resps.—( <i>Public Health Act, 1848 (11 &amp; 12 Vict. c. 63, s. 69)—Sewering, levelling, &amp;c., streets—Liability to assessment for expenses thereof</i> ) .....	746
Hebden v. West.—( <i>Life insurance—Interest of insurer in life of person insured—Policies effected on same life in more than one office—14 Geo. 3, c. 48, ss. 1, 3</i> ) .....	747

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Ormon v. Clark.—( <i>Patent—Application of an old mode to a new or old subject—Novelty of invention—Castings of iron boilers</i> ) .....	749
Sack v. Ford.—( <i>Shipping—Charter-party—Stowage—Stevedore—Liability for improper stowage</i> ) ..	750
Gore v. Sir G. Grey and Others.—( <i>Lunatics—5 &amp; 6 Vict. c. 22, s. 14—1 &amp; 2 Vict. c. 110, s. 102—8 &amp; 9 Vict. c. 100, ss. 45, 116—16 &amp; 17 Vict. c. 93, ss. 4, 35—As to removing lunatic prisoners to Bethlehem Hospital—Repeal of former enactment by implication from later</i> ) .....	752

## COURT OF EXCHEQUER.

By H. BRANDT, Barrister at Law.

Arbon v. Fassell.—( <i>Stamp—"Omnia rite acta," &amp;c.—Secondary evidence</i> ) .....	753
Batterbury v. Vyse.—( <i>Condition precedent—Collusion</i> ) .....	754

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNST BROWNING, Barrister at Law.

Cooke v. Cooke.—( <i>Judicial separation on ground of cruelty—Suit brought for collateral object</i> ) ....	754
---	-----

## COURT OF PROBATE.

By DR. MIDDLETON.

In the Goods of James Alexander Frampton, Deceased.—( <i>Administration—Defaulting trustee—Representative of trust estate—Creditor</i> ) .....	755
In the Goods of Amelia Fozard, Deceased.—( <i>Executor for life—Limited probate—Cessate grant—Bond—20 &amp; 21 Vict. c. 77, s. 82</i> ) .....	756

## THE JURIST.

LONDON, JULY 25, 1863.

THE Commissioners appointed to inquire into the operation of the Acts relating to Transportation and Penal Servitude have made their Report, which has been printed, and presented to both Houses of Parliament.

This commission, which bears date the 29th December, 1862, consisted of thirteen members, namely, Earl Grey, Lord Naas, Lord Cranworth, Lord Chelmsford, Mr. Bouverie, Sir John Pakington, Bart., Mr. Walpole, Mr. Henley, Lord Chief Justice Cockburn, Mr. Waddington, the Recorder (Russell Gurney, Esq.), the O'Connor Don, and H. C. E. Childers.

Lord Chelmsford took no part in the proceedings of the commission. The Lord Chief Justice and Mr. Henley declined to sign the Report, and have issued memoranda, stating their reasons for dissenting from it; and Mr. Childers, though signing the Report, has also issued a memorandum dissenting from a portion.

The remaining nine commissioners have signed it unreservedly. The Report consists of sixty-five pages, royal octavo, the memorandum (as it is called) of the Lord Chief Justice consists of twenty-three more, while those of Mr. Henley and Mr. Childers together make up about a page. The Report is accompanied by an extract from the minutes of the proceedings of the commission, shewing the amendments proposed to the draft Report, and the divisions thereon, and also by a voluminous Appendix of documentary and verbal evidence.

The Report begins with a statement of the changes made in the law by the Penal Servitude Acts, the 16 & 17 Vict. c. 99, and the 20 & 21 Vict. c. 3, and the manner in which sentences of penal servitude have been carried into effect under the latter. For legal readers it is unnecessary that we should state the provisions of the former, but, as indispensable to understanding the recommendation of the Commissioners, we proceed to give a short sketch of the latter; and difficult would it be to describe in the judicial history of any land, a similar record of misplaced humanity, imbecility, and absurdity:—

"Adult male convicts, sentenced in Great Britain, are first detained in separate confinement for about nine months, as a general rule, though latterly the average period of detention has not been so long. Millbank and Pentonville, and parts of Wakefield and Leicester prisons, have been used for this purpose, and some further accommodation has been recently provided elsewhere. In these prisons the convicts are chiefly employed in various trades, such as tailoring, shoemaking, weaving, and mat-making, in which they receive such instruction as may be necessary. After six months' good conduct, a convict in separate confinement may earn a weekly gratuity of 8d., 6d., or 4d., payable after his discharge, the rate being determined by his industry at work.

"At the end of his period of separate confinement, the convict is removed to another prison for associated labour on public works. The prisons now used for this purpose are, Chatham, Portsmouth, Portland, and Gibraltar, for able-bodied convicts; Dartmoor for light-labour convicts; and Woking for invalids. The convict establishment at Bermuda has been given up. The hulk system has been altogether abolished in England for some years. No convict has been confined in a hulk in this country since 1858, prisons having been erected at Portsmouth and Chatham, capable of containing a large number of convicts, with a separate sleeping cell for each.

"On the reception of a convict on public works the remaining term of his sentence is divided into three portions or stages of discipline, in the lowest of which there are three classes. Convicts are first placed in the first, second, or third class, according to the report received of their conduct whilst in separate confinement. Those in the second or third class are advanced to the next class if their conduct has been good for a period of three months. No convict is advanced beyond the lowest stage unless he is in the first class, and if, having attained to a subsequent stage, he is degraded for misconduct to a lower class than the first, he is removed back into the lowest stage, until, by good conduct for three or six months, as the case may be, he has regained the first class.

"The conduct of a convict on public works is denoted by the class he is in, and if bad, by a mark on his badge. A daily record of it is also kept by the warder under whom he works. His industry is recorded from day to day by the same officer, the signs used for the purpose being 'V. G.' (very good), 'G.' (good), and 'O.' (ordinary).

"Convicts in the lowest stage of public works are credited with the following gratuities, good conduct and industry being for this purpose separately considered:—

"For good conduct:—

First class, per week	-	-	-	6d.
Second "	"	-	-	4d.
Third "	"	-	-	nil.

"For industry:—

Very industrious (V. G.) at work, per week	-	-	-	9d.
Industrious (G.)	"	"	"	6d.
Not industrious (O.)	"	"	"	nil.

"These gratuities are cumulative: thus, a man of exemplary conduct and industry may earn 15d. a week; a man of fair conduct and industry, 10d.

"After a convict has passed through the lowest stage, his advance to each of the subsequent stages entitles him to an additional weekly gratuity of 4d. for industry, and to certain other indulgencies, in receiving letters and visits, and in diet."

We will continue this subject in our next number.

## BOOKS RECEIVED.

*The Institutions of the English Government; being an Account of the Constitution, Powers, and Procedure of its Legislative, Judicial, and Administrative Departments; with copious References to ancient and modern Authorities.* By Homersham Cox, M. A., Barrister-at-Law, author of "The British Commonwealth," &c.—Sweet, 1863.

*A Treatise on the Law of Railways, Railway Companies, and Railway Investments; with an Appendix of Statutes, Forms, &c.* By Sir William Hodges, Knt., Chief Justice of her Majesty's Supreme Court, Cape of Good Hope. Third Edition. By Charles Manley Smith, Esq., of the Inner Temple and Midland Circuit, Barrister-at-Law.—Sweet, 1863.

*A Popular and Practical Introduction to Law Studies, and to every Department of the Legal Profession.* By Samuel Warren, of the Inner Temple, Esq., D. C. L., Oxon., F. R. S., one of her Majesty's Counsel, Recorder of Hull, and Master in Lunacy. Third Edition, entirely re-written, and greatly enlarged. In two volumes.—Maxwell, 1863.

## BILL FOR PROMOTING THE REVISION OF THE STATUTE LAW, BY REPEALING CERTAIN ENACTMENTS WHICH HAVE CEASED TO BE IN FORCE, OR HAVE BECOME UNNECESSARY.

THE above is the title of the bill introduced by the Lord Chancellor as the first instalment of his plan for the amendment of the law. It has already passed the House of Lords, with a few verbal amendments, and will in all probability pass the House of Commons, and become the law of the land in the course of a week.

The bill is as follows:—

Whereas, with a view to the revision of the statute law and particularly to the preparation of a revised edition of the statutes, it is expedient that certain enactments (mentioned in the schedule to this act) which have ceased to be in force otherwise than by express and specific repeal, or have, by lapse of time and change of circumstances, become unnecessary, should be expressly and specifically repealed: be it therefore enacted &c., as follows:—

SECT. 1. The enactments described in the schedule to this act are hereby repealed, subject to the exceptions in the schedule mentioned:

Provided, that where any enactment not comprised in the schedule has been confirmed, revived, or perpetuated by any enactment hereby repealed, such confirmation, revival, or perpetuation shall not be affected by such repeal;

And the repeal by this act of any enactment shall not affect any act in which such enactment has been applied, incorporated, or referred to;

And this act shall not affect the validity or invalidity of anything already done or suffered—or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof—or the proof of any past act or thing;

Nor shall this act affect any principle or rule of law or

equity, or established jurisdiction, form, or course of pleading, practice, or procedure, or existing usage, office, or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from, any enactment hereby repealed;

Nor shall this act revive or restore any jurisdiction, office, duty, franchise, liberty, custom, privilege, restriction, exemption, usage, or practice, not now existing or in force.

2. This act shall extend to England only.

3. This act may be cited as "The Statute-law Revision Act, 1863."

This schedule is intended to comprise (as the preamble to the bill states) enactments which have *ceased to be in force*, otherwise than by express and specific repeal, or have, by lapse of time and change of circumstances, become *unnecessary*.

I.—For the purposes of the schedule, six different classes of enactments are considered as having *ceased to be in force*, although not expressly and specifically repealed, namely, such enactments as are—

(1.) *Expired*.—That is, enactments which, having been originally limited to endure only for a specified period, by a distinct provision, have not been either perpetuated or kept in force by continuance, or which have merely had for their object the continuance of previous temporary enactments for periods now gone by effluxion of time:

(2.) *Spent*.—That is, enactments spent or exhausted in operation by the accomplishment of the purposes for which they were passed, either at the moment of their first taking effect, or on the happening of some event, or on the doing of some act authorised or required; as, for instance, 1 Hen. 5, c. 6, of which the marginal abstract is:—"No actions shall be brought by Welshmen in respect of injuries sustained in the late Rebellion;" and see, for an instance of another kind (the event on which the operation of the act becomes spent being the death or failure of issue of a sovereign), 1 Eliz., c. 6, in the schedule:

(3.) *Repealed in general terms*.—For instance, by the repeal (by 5 Eliz., c. 4, s. 1,—s. 2, in Ruffhead's edition) of "as much of all the statutes heretofore made, and every branch of them, as touch or concern the hiring, keeping, departing, working, wages, or order, of servants, workmen, artificers, apprentices, and labourers, or any of them"—no statute being specified as intended to be comprised within this repeal, and the repeal, consequently, being, though express, yet not specific:

(4.) *Virtually repealed*.—Where an earlier enactment is inconsistent with, or is rendered nugatory by, a later one; as, for instance, 20 Hen. 3, Stat. Merton, c. 7, relating to the refusal of heirs to marry at the request of their lords, is virtually repealed by 12 Car. 2, c. 24, which abolishes military tenures:

(5.) *Superseded*.—Where a later enactment effects the same purposes as an earlier one, by repetition of its terms or otherwise; as, for instance, 21 [ & 22 ] Jac. 1, c. 2, "for the general quiet of the subject against all pretences of concealment," is superseded by the Nullum Tempus Act, 9 Geo. 3, c. 16, which is for the most part a reproduction, word for word, of the provisions of the earlier act, some additional provisions being inserted, but the earlier act being left to stand unrepealed:

(6.) *Obsolete*.—(i.) Where the state of things contemplated by the enactment has long ceased to exist; as, for instance, in the case of 13 Edw. 1, Stat. Westm. 2, c. 43, which prohibits hospitaliers and templars bringing any man into plea before the keepers of their privileges for matters cognisable in the king's court:

(ii.) Where the enactment is of such a nature as to be no longer capable of being put in force, regard being had to the alteration of political or so-

cial circumstances; as, for instance, the 4 Edw. 3, c. 12, providing that a cry shall be made that none be so hardy to sell wines but at a reasonable price . . . and that assay shall be made of such wines two times every year . . . and all the wines that shall be found corrupt shall be poured out, and the vessels broken. . . ."

II.—For the purposes of the schedule, enactments are considered *unnecessary* where the provisions are of such a nature as not to require, at the present day, statutory authority. An instance is—the 28 Edw. 3, c. 13, "that none of what condition that he be, by art or engine, shall disturb any ship charged with merchandises to come to any port of England, but to the port where the masters, mariners, and merchants will first of their free will arrive; nor, after they have arrived, shall meddle with the sale of the same merchandises, nor disturb the merchants nor their servants, that they may not themselves, by their own hands, according as to them shall seem best for their profit, sell and deliver their merchandises at what time and to whom it shall them best please."

In many instances it appears, from entries in the third column, that enactments comprised in the schedule have been already expressly and specifically repealed. They are inserted in the schedule, in order that a complete and simultaneous repeal may be effected of the whole statute or act (as the case may be). Such a sweeping repeal is in various ways convenient, and particularly for simplifying the notes of repeal to be made in the intended revised edition.

The schedule of the Statute-law Revision Act, 1861 (24 & 25 Vict. c. 161), was framed on the basis of the Register of Public General Acts (mainly prepared under the late Statute-law Commission, and printed for the period from the Union of Great Britain and Ireland to 1858, under an order of the House of Lords of the 7th July, 1859), which furnished nearly complete materials for ascertaining the actual condition of the statutes of the period covered by that schedule.

But the statutes of the period covered by the present schedule are all of them much earlier in date than the time to which the register has been carried back, namely, the session of the 11 Geo. 3. In the preparation, therefore, of the present schedule, the register has only been of service, so far as it records (in its fifth column) the extent to which those earlier statutes are affected by the legislation of times subsequent to the 10 Geo. 3. For assistance in ascertaining how far the legislation of times anterior to the 11 Geo. 3 has affected the statutes of the period covered by the present schedule, recourse has been had to the editions of the statutes by Ruffhead and by Raithby (with the lists of expired and of repealed statutes given in Raithby's Index), and to the following compilations, having more or less of a similar character with the present schedule; namely,

- (1.) The expurgatory list prepared by Mr. Anstey and Mr. Rogers (Statute-law Board) of public general statutes by them proposed to be declared no longer in force. Ordered by the House of Commons to be printed the 29th January, 1855.
- (2.) The list of the statutes from Magna Charta to the 7 Will. 4 & 1 Vict., prepared by the late Sir Henry Seton, partly printed and partly in manuscript, referred to in the First Report of Mr. Bellenden Ker to the Lord Chancellor (Statute-law Board), dated the 12th August, 1853, p. 5.
- (3.) The list of statutes and parts of statutes repealed during the period from the 41 Geo. 3 (U. K.) to the 22 Vict., inclusive, chronologically arranged, subjoined to Part I of the Index to the Statutes compiled by order of the Select Committee on the Library of the House of Lords.
- (4.) A Chronological Index to the Statutes at Large, from Magna Charta to the 23rd July, 1830, by Richard Lowndes. 8vo., London, 1831.
- (5.) The Chronological Tables of the Statutes from Magna Charta to the 6 Geo. 4, contained in Tyrrwhitt & Tyndale's Digest of the Public General Statutes. 4to., London, 1822-1826.
- (6.) A manuscript volume in the British Museum (Harl. MSS. 244), referred to in the Introduction to the

first volume of the Statutes of the Realm, p. xvi., and therein described as "containing the plan of an elaborate report, particularising the several statutes from the Statute of Westminster 1, 3 Edw. 1, to the 7 Jac. 1, 1609, then actually repealed or expired, and also the statutes thought fit either to be absolutely repealed, or to be repealed, and new laws to be made in their place."

With a view to ascertain which of the statutes of the period covered by the present schedule may be properly treated as not in force at this day, text-books, digests, and reported cases have, of course, also been resorted to for information as to the condition of those statutes.

The early statutes stand in a peculiar position with relation to modern law. Many of their provisions remain, in some sense, embodied in the existing law, notwithstanding that their immediate subject-matter may no longer exist. [To mention one instance—6 Edw. 1, Statute of Gloucester, c. 5, respecting the writ of waste, forms part of the existing law as to waste, although the writ of waste has been abolished.] This peculiarity has always been borne in mind in the compilation of the schedule, and the very special terms of the saving in the repealing clause of the bill have been adopted in order to preclude any apprehension of a substantive alteration of the law being produced by the repeal of any of these early statutes.

#### SCHEDULE.

*The words and figures in italics are intended to be struck out at a late stage of the bill.*

This Schedule is intended to be read as referring to the edition prepared under the direction of the Record Commission, intitled "The Statutes of the Realm; printed by Command of His Majesty King George the Third, in pursuance of an Address of the House of Commons of Great Britain. From original Records and authentic Manuscripts." The dates and titles of the statutes and acts are taken from that edition; the chapters (before the division into separate acts) are described by the marginal notes, and the enactments cited in terms are cited from the translation into English, or the original English, given in that edition.

The repeal by the present act of a part of a statute or act set out or referred to in the terms of the translation given in that edition is intended to operate on the original Latin or Norman French of which the translation is set out or referred to, as if the original itself were in like manner set out or referred to.

A description or citation of a portion of a statute or act is intended to be inclusive of the words, section, or other part referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

The edition of Ruffhead referred to is that by Serjeant Runnington, 1786.

*The edition of Raithby referred to is the octavo edition.*

Then follows the body of the schedule, consisting of 190 folio pages.

### Imperial Parliament.

#### HOUSE OF LORDS.—Thursday, July 16.

##### ALTERATION OF CIRCUITS BILL.

*The Lord Chancellor*, on moving the second reading of this bill, explained that its object was to confer upon her Majesty additional powers with reference to the alteration of circuits, and that it was rendered necessary by the provisions of the law as to the appointment of revising barristers. He did not at present think it desirable to enter into an explanation of the changes which it was intended to make in the circuits; but he trusted that the arrangement would be satisfactory, and would come into operation at the next Spring Assizes. The noble and learned Lord moved that the bill should be read a second time.

Lord Brougham entirely approved of the bill.

The Earl of Poxie was understood to ask whether the bill would empower the Sovereign to abolish the holding of assizes in places in which they were now held.

*The Lord Chancellor* said that the power referred to by

the noble Earl was not included in this bill, because it already existed under the 3 & 4 Will. 4, c. 71.

The bill was then read a second time.

The Misappropriation by Servants Bill was read a second time.

#### Friday, July 17.

The Jurors' Remuneration Bill was withdrawn.

The Alteration of the Judges' Circuits Bill passed through committee.

The Misappropriation by Servants Bill passed through committee.

#### Monday, July 20.

The Alterations in the Judges' Circuits Bill was read a third time, and passed.

The Register of Voters Bill was withdrawn.

#### Tuesday, July 21

The Misappropriation by Servants Bill was read a third time, and passed.

#### HOUSE OF COMMONS.—Wednesday, July 15.

The Partnership-law Amendment Bill passed through committee.

The Jurisdiction of Justices Bill was read a second time.

#### Thursday, July 18.

The Poisoned Grain, &c. Prohibition Bill passed through committee.

#### STATUTE-LAW REVISION BILL.

*The Solicitor-General* moved the second reading of this bill.

Sir F. Kelly approved of the bill.

Mr. Hennessy moved that the bill be read a second time on this day two months, with a view to its being considered next session in a select committee. He also expressed an opinion that it was an infringement of the Commons privileges for the House of Lords to send down such a bill, referring as it did largely to questions of religion, trade, and taxation.

*The Solicitor-General* said that the work of revision had been carefully done, but it must be taken on trust. It was in the power of any hon. member to prevent any such measure passing, but he doubted whether the hon. and learned gentleman used his influence well, in obstructing a bill which, if it became law, would reflect credit upon the session. He proposed to set down the bill for committee on Wednesday next.

Mr. Bentinck supported the amendment, and said he was authorised by the right hon. gentleman the member for Oxfordshire, to state that he also was opposed to the bill passing the present session.

Mr. Lygon said no possible harm could accrue from delay.

The House divided—

For the second reading	..	..	45
Against	..	..	16
Majority	..	..	—29

The bill was read a second time.

#### Friday, July 17.

The Poisoned Grain, &c. Prohibition Bill as amended, was considered, and an amendment inserted.

The Execution of Decrees Bill was withdrawn.

#### Monday, July 20.

The Poisoned Grain, &c. Prohibition Bill was read a third time, and passed.

The Promissory Notes and Bills of Exchange Bill was reported.

The Jurisdiction of Justices Bill passed through committee. The Partnership-law Amendment Bill was reported.

#### Tuesday, July 21.

The Petty Sessions Bill was withdrawn.

The Jurisdiction of Justices Bill was read a third time, and passed.

The Alterations in the Judges' Circuits Bill was read a second time.

The Promissory Notes and Bills of Exchange Bill was read a third time, and passed.

WARD, WILLIAM, Birmingham, licensed victualler, July 27, Birmingham. Off. Ass. Whitmore; Sols. Hodgson & Co., Birmingham.—Pet. f. July 6.

WATSON, GEORGE BOTT CHURCHILL, Liverpool-road, Cheshire, doctor of medicine, July 28, Liverpool. Off. Ass. Turner; Sol. Cartwright, Chester.—Pet. f. July 13.

WESTLAKE, JOHN MARTIN, Meavy, Devonshire, cattle dealer, July 31, Exeter. Off. Ass. Hirtzel; Sols. Bridgman, Tavistock; Hirtzel, Exeter.—Pet. f. July 13.

WRIGHT, WILLIAM HENRY, Chudleigh, Devonshire, maltster, Aug. 5, Exeter. Off. Ass. Hirtzel; Sol. Pitts, Exeter.—Pet. f. July 6.

YOUNG, SAMUEL, Hulme, Lancashire, furniture broker, Aug. 1, Salford. Off. Ass. Hulton; Sol. Attkins, Manchester.—Pet. f. July 13.

#### BANKRUPTCY ANNULLED.

CLUBE, JOHN WILLIAM, Tylor-street, and King-street, Regent-street, Ashmonger.

#### TUESDAY, July 21.

#### BANKRUPTS.

##### To be heard in London.

ANSCOMBE, MATILDA, St. Ann's-street, Westminster, out of employ, Aug. 4. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 16.

BEARD, FRANCIS CARR, Wellbeck-street, Cavendish-square, surgeon, Aug. 4. Off. Ass. Edwards; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. July 13.

BOYLE, RICHARD, Newington-place, Stoke Newington, out of business, Aug. 4. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 16.

CLARK, JOHN, Victoria-terrace, Lower-road, Rotherhithe, baker, Aug. 4. Off. Ass. Edwards; Sol. Chidley, 25, Old Jewry.—Pet. f. July 14.

COOPER, CHARLES, Hurstpierpoint, Sussex, colonel on the retired list of her Majesty's Indian military forces, Aug. 4. Off. Ass. Cannan; Sols. Head & Co., 5, Martin's-lane, Cannon-street.—Pet. f. July 18.

CROMIN, PATRICK, Bermondsey-street, Southwark, tailor, Aug. 4. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. July 16.

FAIRBAIRN, JOHN BYE, Rochester and Chatham, Kent, carrier, Aug. 4. Off. Ass. Edwards; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. July 16.

FRANKLEY, GEORGE, Camden-row, Camden-town, coffee-house keeper, Aug. 4. Off. Ass. Cannan; Sol. Heydon, 8, Serle-street, Lincoln's-inn.—Pet. f. July 16.

FRANKLAND, JOHN BENJAMIN, Brunswick-street, Euston-road, St. Pancras, oilman, Aug. 4. Off. Ass. Edwards; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. July 16.

GURNEY, GEORGE, Rotherfield-street, Lower-road, Islington, out of business, Aug. 4. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 16.

HILLS, CHARLES, Gravesend, Kent, farmer, Aug. 4. Off. Ass. Cannan; Sol. Nickoll, 16, Bucklersbury.—Pet. f. July 17.

JOHNSON, JOHN, Brick-lane, Spitalfields, carpenter, Aug. 4. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 17.

KRYMER, GEORGE SANDFORD, Claremont-cottages, Cornwall-place, Holloway, wine ganger, Aug. 4. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 16.

KIRKMAN, CHARLOTTE CLARA, Brook-street, Bond-street, of no business, Aug. 4. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 16.

LAMBERT, JOHN WILLIAM, Clifton-street, Shepherd's-bush, bricklayer, Aug. 4. Off. Ass. Edwards; Sols. Holt & Co., Quality-court, Chancery-lane.—Pet. f. July 16.

MOAKES, WILLIAM SQUIRE, Ivy-cottage, Battersea, horse dealer, Aug. 4. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 16.

OLSEN, CHRISTIAN, St. George-street, St. George-in-the-East, lodging-house keeper, Aug. 4. Off. Ass. Edwards; Sol. Beard, 10, Basinghall-street.—Pet. f. July 15.

OTT, WILLIAM, York-place, Walworth-road, plumber, Aug. 4. Off. Ass. Cannan; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. July 18.

PEAR, JOHN, Northumberland-street, New-road, and Strand, wig maker, Aug. 4. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 16.

PHILLIPS, WILLIAM AUGUSTUS, Wilderness-row, Clerkenwell, pewterer, Aug. 4. Off. Ass. Cannan; Sol. Buchanan, 13, Basinghall-street.—Pet. f. July 16.

RAWLINS, THOMAS, Deptford, Kent, baker, Aug. 4. Off. Ass. Edwards; Sol. Marshall, 36, Basinghall-street.—Pet. f. July 15.

ROBERTS, JOHN WILLIAM, West London Cricket-ground, Old Brompton, dealer in beer, Aug. 4. Off. Ass. Edwards; Sol. Beard, 10, Basinghall-street.—Pet. f. July 16.

RUSSELL, EDWARD WELLS, Lambeth-walk, manager of a beerhouse, Aug. 4. Off. Ass. Edwards; Sol. Peverley, 19, Coleman-street.—Pet. f. July 15.

SEWELL, JOHN, Nicholas-lane, City, iron merchant, Aug. 4. Off. Ass. Cannan; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. July 15.

SMITH, JOHN BENNETT, Grosvenor-cottages, Grosvenor-road, Stockwell, teacher of music, Aug. 4. Off. Ass. Edwards; Sol. Hall, 21, Coleman-street.—Pet. f. July 13.

SPENCER, ALFRED, Hare-street, Bethnal-green, clothier, Aug. 4. Off. Ass. Edwards; Sol. Abbott, 1, St. Mark's-street, Great Prescott-street.—Pet. f. July 17.

SWAN, CHARLES, Wauling-street, City, commission agent, Aug. 4. Off. Ass. Edwards; Sols. Leopard & Co., 9, Cloak-lane.—Pet. f. July 15.

TOMLINS, JOHN, Sheerness, Kent, out of business, Aug. 4. Off. Ass. Cannan; Sol. Hare, 66, Basinghall-street.—Pet. f. July 16.

WOOD, ARABELLA ELIZA, Redcliffe-road, West Brompton, lodging-house keeper, Aug. 4. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 16.

WOODWARD, CATHARINE, Redcliffe-road, West Brompton, schoolmistress, Aug. 4. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 16.

##### To be heard in the Country.

ADDY, EDMUND, Sheffield, traveller, Aug. 5, Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. July 17.

AKERS, SARAH, Birmingham, out of business, Aug. 4, Birmingham. Off. Ass. Guit; Sol. Parry, Birmingham.—Pet. f. July 15.

ANDREWS, SAMUEL, Southampton, dealer in fish, Aug. 12, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. July 15.

ARNOLD, RICHARD, Yardley, Worcestershire, farmer, Aug. 3, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. July 16.

ARROWSMITH, CHARLES WILLIAM, Bishopwearmouth, Durham, timber merchant's clerk, Aug. 4, Sunderland. Off. Ass. Marshall; Sols. Ramson & Co., Sunderland.—Pet. f. July 16.

BAILEY, GEORGE, Moulton, Lincolnshire, estarp manufacturer, Aug. 4, Spalding. Off. Ass. Bonner.—Adj. July 9.

BALL, RICHARD, Hastings, Sussex, wheelwright, July 29, Lewes. Off. Ass. Blaker; Sol. Goodman, Brighton.—Pet. f. June 29.

BENSON, JOHN, Dalton, Yorkshire, fine drawer, Aug. 8, Huddersfield. Off. Ass. Jones; Sol. Sykes, Huddersfield.—Pet. f. July 14.

BERRIS, AUGUST PHILIP, Liverpool, commission merchant, Aug. 2, Liverpool. Off. Ass. Morgan.—Adj. July 15.

BIRKS, SAMUEL, Stoke-upon-Trent, Staffordshire, butcher, Aug. 1, Stoke-upon-Trent. Off. Ass. Keary; Sol. Litchfield, Newcastle.—Pet. f. July 14.

BOND, RICHARD, Poulton-le-fylde, Lancashire, butcher, Aug. 3, Liverpool. Off. Ass. Turner.—Adj. July 15.

BOOTH, THOMAS BEARD, Stourbridge, Worcestershire, baker, Aug. 7, Stourbridge. Off. Ass. Harward; Sol. Maltby, Dudley and Stourbridge.—Pet. f. July 17.

BOUSFIELD, CUTBERT, Barnard Castle, Durham, saddler, Aug. 5, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Story, Newcastle-upon-Tyne.—Pet. f. July 17.

COX, WILLIAM, Northampton, furniture dealer, Aug. 8, Northampton. Off. Ass. Dennis; Sols. Shield & Co., Northampton.—Pet. f. July 16.

CROSSLAND, ANDREW, Kingston-upon-Hull, licensed victualler, Aug. 5, Kingston-upon-Hull. Off. Ass. Carrick; Sols. Eaton & Co., Hull.—Pet. f. July 4.

DANIELL, DAVID, Portsea, Hampshire, retailer of beer, July 31, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. July 15.

DAVIS, DANIEL, Preston-on-Stour, Gloucestershire, baker, July 31, Bristol. Off. Ass. Miller; Sols. Hicks, Warwick; Bevan & Co., Bristol.—Pet. f. July 18.

DEY, GEORGE WILSON, Portswood, Southampton, bricklayer, Aug. 12, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. July 15.

DEASON, THOMAS, Furness, Lancashire, blacksmith, July 27, Ulverston. Off. Ass. Postlethwaite; Sol. Reiph, Ulverston.—Pet. f. June 22.

DILLON, CHARLES, Liverpool, tallow chandler, July 31, Liverpool. Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. July 17.

DOTTERELL, JOHN, Alverstoke, Southampton, brewer, July 31, Portsmouth. Off. Ass. the registrar; Sol. Way, Portsea.—Pet. f. July 15.

ELLIOT, WILLIAM, South Shields, Durham, grocer, Aug. 5, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Story, Newcastle-upon-Tyne.—Pet. f. July 17.

EVANS, THOMAS, Bewdley, Worcestershire, haulier, Aug. 9, Kidderminster. Off. Ass. Talbot; Sol. Burbury, Stourbridge and Bewdley.—Pet. f. July 14.

FARRELL, PETER JOHN, Birmingham, machinist, Aug. 4, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. July 16.

GOODAKER, SAMUEL, Birmingham, baker, Aug. 3, Birmingham. Off. Ass. Kinneer; Sol. Parry, Birmingham.—Pet. f. July 16.

GUTTERY, JAMES, Kidderminster, Worcestershire, cooper, Aug. 19, Kidderminster. Off. Ass. Talbot; Sol. Boycott, Kidderminster.—Pet. f. July 15.

HARDERN, JAMES, Dudley, Worcestershire, grocer, July 31, Birmingham. Off. Ass. Whitmore; Sol. Warrington, Dudley.—Pet. f. July 16.

HAYWOOD, FREDERICK, Blackpool, Lancashire, general dealer, Aug. 3, Liverpool. Off. Ass. Turner.—Adj. July 15.

HOLMES, JOHN, Ashby-de-la-Zouch, Leicestershire, in service, Aug. 3, Ashby-de-la-Zouch. Off. Ass. Dewes; Sol. Dewes, Ashby-de-la-Zouch.—Pet. f. July 18.

HOLT, THOMAS, Little Bolton, Lancashire, draper, Aug. 10, Bolton. Off. Ass. Holden; Sol. Edge, Bolton.—Pet. f. July 16.

HUDSON, JAMES, Bradford, Yorkshire, cloth manufacturer, July 31, Leeds. Off. Ass. Young; Sols. Scatchard, Morley; Bond & Co., Leeds.—Pet. f. July 16.

JERKINS, ALFRED, Newent, Gloucestershire, horse dealer, July 31, Newent. Off. Ass. Cooke; Sol. Wilkes, Gloucester.—Pet. f. July 16.

JERRINGS, JOHN, Bradford, butcher, Aug. 11, Bradford. Off. Ass. Robinson; Sol. Green, Bradford.—Pet. f. July 17.

JONES, THOMAS, Scruton, Yorkshire, dealer in potatoes, Aug. 1, Northallerton. Off. Ass. Jefferson; Sol. Harle, Leeds.—Pet. f. July 14.

KEIGHLEY, BENJAMIN, Leeds, provision dealer, Aug. 13, Leeds. Off. Ass. Sangster; Sol. Simpson, Leeds.—Pet. f. July 7.

KELLY, GEORGE LEWIS, Bootle, near Liverpool, clerk, July 31, Liverpool. Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. July 17.

KING, JOHN, Leeds, watchmaker, Aug. 13, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. July 11.

KIRBY, JOHN, Longsight, near Manchester, beer seller, July 31, Manchester. Off. Ass. Fraser; Sols. Cobbett & Co., Manchester.—Pet. f. July 8.

LEWIS, FREDERIC, West Bromwich, Staffordshire, surgeon, Aug. 10, West Bromwich. Off. Ass. Watson; Sols. Hooper & Co., West Bromwich.—Pet. f. July 16.

LOCK, JAMES, Bezhill, Sussex, farm labourer, July 29, Lewes. Off. Ass. Blaker; Sol. Goodman, Brighton.—Pet. f. July 7.



**LOWMAN, EDWARD**, Portland, Dorsetshire, horsekeeper, Aug. 7, Exeter. *Off. Ass. Hirsell; Sol. Floud, Exeter.*—Adj. July 13.

**LUCAS, CHARLES**, Leckhampton, Gloucestershire, stonemason, Aug. 4, Cheltenham. *Off. Ass. Gale; Sol. Williams, Cheltenham.*—Pet. f. July 16.

**M'VEA, EDWARD**, Ulverston, Lancashire, printer, July 27, Ulverston. *Off. Ass. Pearson; Sol. Park, Ulverston.*—Pet. f. June 22.

**NEAL, WILLIAM COOPER**, Wythall, near Aylechurch, Worcestershire, out of business, Aug. 3, Birmingham. *Off. Ass. Whitmore; Sol. Pitter, Birmingham.*—Pet. f. Oct. 23.

**PERKINS, THOMAS**, Shutford, Oxfordshire, baker, July 30, Banbury. *Off. Ass. Fortescue; Sol. Pellatt, Banbury.*—Pet. f. July 16.

**PLACE, EDWARD**, Scruton, Yorkshire, carpenter, Aug. 1, Northallerton. *Off. Ass. Jefferson; Sol. Teale, Leyburn.*—Pet. f. July 14.

**REYNOLDS, HOWELL**, Neath, colliery proprietor, and Aberdare, Glamorganshire, beer-house keeper, July 31, Bristol. *Off. Ass. Acraman; Sols. Clifton & Co., Bristol.*—Pet. f. July 18.

**SHIELDS, JOSEPH WILLIAM**, Ipswich, Suffolk, accountant, Aug. 1, Ipswich. *Off. Ass. Prettymann; Sol. Moore, Ipswich.*—Pet. f. July 16.

**SIMMONDS, WILLIAM**, Stourbridge, Worcestershire, pork butcher, Aug. 7, Stourbridge. *Off. Ass. Harward; Sol. Maltby, Dudley and Stourbridge.*—Pet. f. July 17.

**SLIP, EDWARD**, Bath, Somersetshire, painter, July 31, Bristol. *Off. Ass. Miller; Sol. Bartrum, Bath.*—Pet. f. July 18.

**THORLEY, WILLIAM**, Kingston-upon-Hull, innkeeper, Aug. 5, Kingston-upon-Hull. *Off. Ass. Carrick; Sols. Bond & Co., Leeds.*—Pet. f. July 16.

**WEBB, EDMUND**, South Stoneham, Southampton, innkeeper, Aug. 12, Southampton. *Off. Ass. Thorndike; Sol. Mackey, Southampton.*—Pet. f. July 15.

**WILLIAMS, THOMAS**, Bedwelty, Monmouthshire, July 31, Bristol. *Off. Ass. Acraman; Sol. Brittan, Bristol.*—Pet. f. July 16.

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D D

## GAZETTES.—FRIDAY, July 24.

## BANKRUPTS.

*To be heard in London.*

BARNES, CHARLES, Cambridge, tailor, Aug. 7. *Off. Ass. Edwards*; Sol. Venn, 3, New-Inn, Strand.—*Pet. f. July 21.*

BOUNEVILLE, ALEXANDER JOSEPH, Fenchurch-street, City, and Wellington-road, Stockwell, Surrey, globe manufacturer, Aug. 11. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

BROWN, ALFRED, New-street, Cloth Fair, City, barman to a licensed victualler, Aug. 4. *Off. Ass. Cannan*; Sol. Holt & Co., 11, Quality-court, Chancery-lane.—*Pet. f. July 20.*

BURTON, JOHN, High-street, Tottenham, blacksmith, Aug. 11. *Off. Ass. Cannan*; Sol. Marshall & Co., 12, Hatton-garden.—*Pet. f. July 21.*

CATON, GEORGE, Wheeler-street, Spital-square, Spitalfields, chemille manufacturer, Aug. 4. *Off. Ass. Edwards*; Sol. Buchanan, 15, Basinghall-street.—*Pet. f. July 20.*

CLEMMANS, JAMES ABRAHAM, Upper Thames-street, City, licensed victualler, Aug. 7. *Off. Ass. Edwards*; Sol. Hinks, 14, King-street, Finsbury-square.—*Pet. f. July 20.*

CROWTHER, JOHN PETER, Marlborough-square, Chelsea, statuary mason, Aug. 4. *Off. Ass. Cannan*; Sol. Terry, 13 and 14, King-street, Chesham.—*Pet. f. July 20.*

ELKINGTON, ARTHUR, Aldenhott, Huntingdonshire, Deputy Assistant Commissary-General in her Majesty's army, Aug. 4. *Off. Ass. Cannan*; Sol. Preston & Co., 13, Gresham-street.—*Pet. f. July 20.*

ELLIOTT, WILLIAM, Cumberland-street, Pimlico, lodging-house keeper, Aug. 7. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

ELLIS, JOHN DAYMOND, Furnival's-inn, and Bristol-gardens, Malde-hill, architect, Aug. 7. *Off. Ass. Edwards*; Sol. Pearce, 40, Broad-street-buildings.—*Pet. f. July 20.*

FARRAR, FREDERICK AUGUSTUS, Brixton, Surrey, and Cannon-street, City, solicitor, Aug. 11. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

FENLAYSON, DAVID, Fenchurch-street, tailor, Aug. 11. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

HILLIER, JOHN, Queen's-buildings, Brompton, carpenter, Aug. 7. *Off. Ass. Edwards*; Sol. Haynes, 12, Southampton-buildings.—*Pet. f. July 22.*

HOOPER, JAMES, Charlton, Kent, carpenter, Aug. 11. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

HUNT, VERA DAWSON, Straeaer-place, Malda-vale, Paddington, commission agent, Aug. 11. *Off. Ass. Cannan*; Sol. Parkes, 11, Beaufort-buildings, Strand.—*Pet. f. July 22.*

JEFFRIES, WILLIAM, Cambridge-road, Mile End, colourman, Aug. 7. *Off. Ass. Edwards*; Sol. Holt & Co., Quality-court, Chancery-lane.—*Pet. f. July 20.*

JONES, RICHARD EVANS, Birkenhead, Cheshire, coal merchant, Aug. 11. *Off. Ass. Stansfeld*; Sol. Aldridge, 46, Moorgate-street.—*Adj. June 17.*

KEARNS, JOHN, Oxford-street, cutter, Aug. 7. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

KENT, HENRY, York-terrace, Grange-road, Bermondsey, traveller on commission, Aug. 7. *Off. Ass. Edwards*; Sol. Lea, 26, Moorgate-street.—*Pet. f. July 21.*

KIMBER, ROBERT, St. James-street, Pentonville, Jeweller, Aug. 11. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

KING, JAMES, Portwood, Southampton, builder, Aug. 7. *Off. Ass. Edwards*; Sol. Westhall, 3, Gray's-inn-square.—*Pet. f. July 20.*

LEVETT, ALFRED WILLIAM, Jewin-street, City, manufacturer of half-hats, Aug. 11. *Off. Ass. Cannan*; Sol. Hill, 10, Basinghall-street.—*Pet. f. July 22.*

M'LENNAN, WILLIAM, Eaton-street, Pimlico, out of business, Aug. 7. *Off. Ass. Edwards*; Sol. Peverley, 19, Coleman-street, City.—*Pet. f. July 23.*

MARSHALL, HENRY, Langham-street, Portland-place, salt merchant, Aug. 11. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

MASON, JAMES, Duncan-terrace, Islington, Jeweller, Aug. 11. *Off. Ass. Cannan*; Sol. Williams, 5, Sergeant's-inn.—*Pet. f. July 21.*

MEDDOWCROFT, WILLIAM, Norland-square, Notting-hill, boarding-house keeper, Aug. 7. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

MOORE, GEORGE, St. James's-place, Bermondsey, and Rotherhithe-street, lighterman, Aug. 11. *Off. Ass. Cannan*; Sol. Ashurst & Co., 6, Old Jewry.—*Pet. f. July 21.*

PERKINS, WILLIAM HENRY, Woolwich, tailor, Aug. 11. *Off. Ass. Edwards*; Sol. Doyle, 2, Verulam-buildings.—*Pet. f. July 17.*

PERRYMAN, EDWIN JAMES, Carlton-cottages, Kentish-town, tailor, Aug. 7. *Off. Ass. Stansfeld*; Sol. Waldoe, 59, Lamb's Conduit-street.—*Pet. f. July 21.*

PHARAOH, CHARLES, High-street, Hoxton, harness currier, Aug. 11. *Off. Ass. Cannan*; Sol. Smith & Co., 3, Basinghall-street.—*Pet. f. July 15.*

READY, HENRY, Old Jewry, and High-street, Hounslow, surveyor, Aug. 7. *Off. Ass. Edwards*; Sol. Drew, 4, New Basinghall-street.—*Pet. f. July 20.*

ROBBINS, WILLIAM HENRY JAMES, Crawford-street, Bryanston-square, boot dealer, Aug. 11. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

ROBERTSON, CHARLES, Crosby-hall-chambers, Bishopsgate-street With-in, attorney-at-law, Aug. 11. *Off. Ass. Cannan*; Sol. Hope, 9, Ely-place, Holborn.—*Pet. f. July 21.*

RUST, CALDER, Mare-street, Hackney, and Bucklersbury, City, attorney's clerk, Aug. 11. *Off. Ass. Cannan*; Sol. George & Co., 5, Blee-lane, Bucklersbury.—*Pet. f. July 21.*

SPATCHER, WILLIAM, Northampton, plumber, Aug. 7. *Off. Ass. Edwards*; Sol. Loftus & Co., 16, New-inn, Strand; Shoosmith, Northampton.—*Pet. f. July 20.*

STANLEY, GEORGE, Chaple-street, Park-walk, Chelsea, of no occupation, Aug. 7. *Off. Ass. Edwards*; Sol. Doughty, 56, Devonshire-street, Great Portland-street.—*Pet. f. July 22.*

STEPHENSON, HENRY, Cumberland-street, Pimlico, commission agent, Aug. 7. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

STOWELL, ESTHER, and EVERETT, AMELIA JANE, Anerley, Surrey, schoolmistresses, Aug. 4. *Off. Ass. Cannan*; Sol. Mason & Co., 7, Gresham-street.—*Pet. f. July 20.*

UPWARD, GEORGE FORBES, Haywood-square, Regent's-park, and Carlton-chambers, Regent-street, stock jobber, Aug. 11. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

URQUHART, WILLIAM, Wilmet-place, Old Kent-road, paper pulp maker, Aug. 7. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

WATSON, RICHARD, Victoria-terrace, Queen's-road, New Cross, watch-maker, Aug. 11. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—*Pet. f. July 21.*

WEBB, GEORGE, Webb's-place, Gower's-walk, Whitechapel, builder, Aug. 7. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

WESTERBROOK, RICHARD AUSTWICK, Marham-street, Westminster, solicitor, Aug. 11. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—*Adj. July 18.*

*To be heard in the Country.*

ALDERSON, JOHN HENRY, Liverpool, general merchant, Aug. 14, Lancaster. *Off. Ass. Dunn*; Sol. Gardner, Manchester.—*Pet. f. July 19.*

BARKER, FRANCIS, Alrewas, Staffordshire, draper, Aug. 14, Birmingham. *Off. Ass. Whitmore*; Sol. Crabb, Rugeley; James & Co., Birmingham.—*Pet. f. July 18.*

BLACK, WILLIAM HALL, Haslingden, Lancashire, cotton spinner, Aug. 17, Manchester. *Off. Ass. Fraser*; Sol. Radcliffe, Blackburn; Sol. & Co., Manchester.—*Pet. f. July 21.*

BOLANI, WILLIAM, Birmingham, boiler, Aug. 14, Birmingham. *Off. Ass. Whitmore*; Sol. Powell & Co., Birmingham.—*Pet. f. July 15.*

BOUCHER, JOSEPH, and BOUCHER, THOMAS, Newnham, Gloucestershire, carpenters, Aug. 11, Bristol. *Off. Ass. Acraman*; Sol. Carter & Co., Newnham; Henderson, Bristol.—*Pet. f. July 22.*

BRIEDEN, RICHARD, Brighton, stationer, Aug. 13, Brighton. *Off. Ass. Everard*; Sol. Goodman, Brighton.—*Pet. f. July 20.*

CHESTERTON, THOMAS, Loughborough, Leicestershire, brush manufacturer, Aug. 5, Loughborough. *Off. Ass. Brock*; Sol. Giles, Loughborough.—*Pet. f. July 16.*

CORNA, JOHN, Wolverhampton, Staffordshire, millmaker, Aug. 4, Wolverhampton. *Off. Ass. Brown*; Sol. Walker, Wolverhampton.

DALL, RICHARD AUSTIN, Walsall, Staffordshire, attorney's clerk, Aug. 4, Wolverhampton. *Off. Ass. Brown*; Sol. Dallow, Wolverhampton.

DAVIES, JOHN, Birmingham, cabinet maker, Aug. 4, Birmingham. *Off. Ass. Guest*; Sol. Duke, Birmingham.—*Pet. f. July 18.*

DAVIES, WILLIAM, Wombidge, Shropshire, tailor, Aug. 13, Wellington. *Off. Ass. Newell*; Sol. Taylor, Wellington.—*Pet. f. July 20.*

DEVAL, GEORGE, Dudley, Worcestershire, hatter, Aug. 17, Dudley. *Off. Ass. Walker*; Sol. Malby, Dudley.—*Pet. f. July 21.*

DRAKE, BARTHOLOMEW, Northampton, higgler, Aug. 4, Okehampton. *Off. Ass. Burd*; Sol. Fulford, Northampton and Okehampton.—*Pet. f. July 16.*

FLINT, SAMUEL, Mansfield, Nottinghamshire, licensed victualler, Aug. 10, Nottingham. *Off. Ass. Harris*; Sol. James & Co., Birmingham; Shacklock, Mansfield.—*Pet. f. July 21.*

GREEN, WILLIAM, Leeds, galvanised iron manufacturer, Aug. 6, Leeds. *Off. Ass. Young*; Sol. North & Co., Leeds.—*Pet. f. July 22.*

GUARD, EDWIN, Bristol, timber dealer, Aug. 14, Bristol. *Off. Ass. Harley*; Sol. Hill.—*Pet. f. July 18.*

HARDY, SAMUEL, Holmfirth, Yorkshire, coal dealer, Aug. 3, Holmfirth. *Off. Ass. Jones*; Sol. Mason, York.—*Adj. July 7.*

HAYNES, JOHN, Oakfield, near Ryde, Isle of Wight, out of business, Aug. 5, Newport. *Off. Ass. Blake*; Sol. Joyce, Newport.—*Pet. f. July 18.*

HEATON, THOMAS, Ince, Lancashire, coal proprietor, Aug. 6, Manchester. *Off. Ass. Pott*; Sol. Marriott, Manchester.—*Pet. f. July 20.*

HEWORTH, THOMAS BARROW, Leeds, joiner, Aug. 6, Leeds. *Off. Ass. Young*—*Adj. July 14.*

HOCKING, WILLIAM HENRY, Falmouth, Cornwall, painter, Aug. 14, Exeter. *Off. Ass. Hirtzel*; Sol. Tilley & Co., Falmouth; Daw & Co., Exeter.—*Pet. f. July 21.*

HUNTER, JAMES, Doncaster, Yorkshire, tea dealer, Aug. 8, Sheffield. *Off. Ass. Young*—*Adj. July 14.*

INGARFIELD, JAMES, Brighton, out of business, Aug. 13, Brighton. *Off. Ass. Everard*; Sol. Goodman, Brighton.—*Pet. f. July 18.*

JOLLY, THOMAS, Loughborough, Leicestershire, clock maker, Aug. 5, Loughborough. *Off. Ass. Brock*; Sol. Deane, Loughborough.—*Pet. f. July 16.*

KING, RICHARD, Chorlton-upon-Medlock, Lancashire, cigar dealer, Aug. 4, Manchester. *Off. Ass. Pott*; Sol. Gardner, Manchester.—*Adj. July 13.*

LADMORE, GEORGE, Liverpool, shipwright, Aug. 4, Liverpool. *Off. Ass. Hime*; Sol. Evans & Co., Liverpool.—*Adj. July 16.*

LONG, JAMES, Downham Market, Norfolk, shopkeeper, Aug. 3, Downham Market. *Off. Ass. Reed*; Sol. Coulton & Co., King's Lynn.—*Pet. f. July 20.*

LUFTON, WILLIAM CLARK, Harrogate, Yorkshire, whitesmith, Aug. 5, Knarborough. *Off. Ass. Gill*; Sol. Harle, Leeds.—*Pet. f. July 20.*

MILLS, WILLIAM, Preston, Lancashire, hahmonger, Aug. 6, Manchester. *Off. Ass. Herraman*; Sol. Gardner, Manchester.—*Adj. July 15.*

MITCHELL, JAMES, Sowerly, near Halifax, Yorkshire, butcher, Aug. 14, Leeds. *Off. Ass. Carriek*—*Adj. July 14.*

MORRIS, ANDREW FREDERICK, Christian Malford, Wiltshire, tailor, Aug. 4, Chippenham. *Off. Ass. Phillips*; Sol. Rawlings, Malford.—*Pet. f. July 18.*

[For continuation of Gazette, see p. 279.]

## CONTENTS.

London Gazettes.....	274
Leading Article .....	275
Separate Use of Real Estate.....	277
Public Examination of Students for Michaelmas Term	277
Imperial Parliament .....	279
Statutes passed during the late Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

Sir J. B. Walsh, Bart., v. The Secretary of State for India.—( <i>Trust deed—Determination of trust—Act for the better Government of India—21 &amp; 22 Vict. c. 106—Construction</i> ) .....	757
--	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>In re</i> Angerstein, <i>ex parte</i> Baily.—( <i>Bankruptcy—Order of discharge—Further investigation</i> ) ....	763
---	-----

## COURT OF APPEAL IN CHANCERY.

By C. MARRETT, Barrister at Law.

O'Brien v. Lewis.—( <i>Lien—Execution—Solicitor</i> ) ..	764
--	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Fairhead v. Southee.—( <i>Vendor and purchaser—Mistake—Specific performance</i> ) .....	764
Rede v. Oakes.—( <i>Vendor and purchaser—Sale by trustees—Breach of trust</i> ).....	765
Fergusson v. The London, Brighton, and South-coast Railway Company.—( <i>Railway company—Taking part of a "house"—Interlocutory application</i> )..	766
Curtiss v. Grant.—( <i>Practice—Serving defendant out of jurisdiction</i> ).....	766

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Howard v. Chaffer. — ( <i>Executor — Devastavit — Charge of legacies—Mortgage—Notice—Receipt</i> )	767
--	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Binney and Others v. The Hammersmith and City Railway Company.—( <i>Railway company—Lands Clauses Consolidation Act, sect. 92—Notice to treat for part of property—Counter notice to take the whole—Costs</i> ) .....	773
---	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Lyon v. Knowles.—( <i>Copyright—Dramatic piece— "Representing, or causing to be represented"— 3 &amp; 4 Will. 4, c. 15, ss. 1, 2</i> ) .....	774
--	-----

## COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Cross, App., Watts, Resp.—( <i>Licenses to sell beer to be drunk off the premises—Conviction for selling beer to be drunk on the premises—4 &amp; 5 Will. 4, c. 85, s. 17</i> ) .....	776
---	-----

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Noble v. The Bank of England.—( <i>Sheriff's court—Jurisdiction—Costs—Lost bank note—15 &amp; 16 Vict. c. 77, s. 122—17 &amp; 18 Vict. c. 125, s. 87</i> ) ..	778
---	-----

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNST BROWNING, Barrister at Law.

Chichester v. Mure, falsely called Chichester.—( <i>Nul- lity of marriage—20 &amp; 21 Vict. c. 85, ss. 56, 57</i> ) .	779
---	-----

## THE JURIST.

LONDON, AUGUST 1, 1863.

WE resume the consideration of the Report of the Commissioners appointed to inquire into the operation of the Acts relating to Transportation and Penal Servitude.

On the subject of gratuities for good conduct and industry, we may advert to the following statement in the Appendix, p. 195:—

"The prisoner who received the largest sum was one whose sentence was 'penal servitude for life;' but she was released on conditional pardon at the end of 7 years, 8 months, and 19 days."

The sum here alluded to was 15*l.* 13*s.* 8*d.*, but the nature of the prisoner's crime is not stated. This was at the female prison, Brixton, and several other instances of gratuities received by prisoners are mentioned.

"On the passing of the act of 1857, a circular was addressed by the Secretary of State to all judges, recorders, and chairmen of quarter sessions, explaining the provisions of the act; containing the scale of remissions intended to be granted, and giving full information as to the manner in which it was proposed to carry into effect sentences of penal servitude; making it distinctly known, that while a certain fixed term of the sentence would in all cases be inflicted, a remission of the remaining portion of it would be granted to those convicts, sentenced for any terms of years, whose conduct in prison should be such as not to deprive them of that indulgence. The scale of remis-

sions laid down, which is still in force, varied from one-sixth of the term of the sentence, in sentences of three years, to one-third, in sentences of fifteen years and upwards. In the first instance, it was intended that the remission should, in general, be unconditional, and not qualified by a revocable ticket of leave; but this intention was subsequently departed from, and, as a rule, revocable licenses were issued. It was stated in the circular, that sentences for life would require to be dealt with separately, and to be considered according to the special circumstances of each case.

"A convict is considered entitled to the remission of the proportion of his sentence mentioned in the circular, unless he forfeits his right to this indulgence by misconduct or idleness. In such cases he is sentenced, by a special order of one of the directors of convict prisons, to lose the whole or part of the remission to which he would be otherwise entitled. If, however, towards the close of his sentence, his name has not appeared in the 'defaulters' book' for at least six months, his case is taken into consideration with reference to the time of his remission forfeited, and a certain portion of it, not exceeding three-fourths, may be restored for good conduct and industry. The practice has been to restore one-half the forfeited time, if the convict has been clear of all unfavourable prison reports for at least twelve months, and one-third if he has been clear for less than twelve months, but for at least six months."

The form of a ticket of leave is then given (p. 15); and it appears that in December, 1856, the Executive, deeming it hard to cancel such documents, as matter of course, in the event of the convict's relapsing into crime, altered the ticket to its present form, by which

the convict is merely told that such conduct *may* produce that consequence.

"Notice was given in November, 1861, that the regulations as to the remission of a portion of the sentence, should not apply to convicts thereafter sentenced to penal servitude while holding tickets of leave; and this exception has recently been extended, prospectively, to all convicts under a second, or subsequent sentence of penal servitude.

"A certain number of convicts have been from time to time selected from amongst those employed on public works, for removal to Western Australia, which is the only colony to which convicts can now be sent. It is stated in the circular of the 27th June, 1857, before referred to, that the selection would be made, as far as possible, from among those whose sentences were for terms of not less than seven years, and that they would be removed to a colony after having undergone about one-half of their original sentence; but these regulations have been in many cases departed from, in consequence of the demand for convicts in the colony, and the limited number eligible for removal to it."

The tickets of leave and mark system in Western Australia are then explained (p. 17), together with the Irish system (p. 18), and also the system observed here with female offenders (p. 18), and juvenile male convicts under the age of sixteen (p. 17). It appears, *inter alia*, that some convicts in Western Australia are employed as constables (p. 17), the working of which may be seen in the case of the notorious convict "Red-path;" whose crimes are, doubtless, well known to our readers, and are such as in any rationally-governed country would have brought him to the scaffold, the mines, the galleys, or *real* penal servitude. His case is given thus, in the Appendix, p. 262:—

"The following are the principal dates:—He was convicted and sentenced for life in January, 1857; despatched from England in August, 1858; arrived in the colony on the 23rd November, 1858; discharged with ticket of leave on the 3rd June, 1861.

"By the ordinary operation of the rule for transported men, he would have been eligible for a ticket of leave in January, 1863; if he had been 'exemplary,' or earned four marks a day during all his time in the colony, he would have become eligible about January, 1862; but it is by means of the large number of marks allotted to constables that he must have acquired his discharge so early as June, 1861."

The officer reporting the case remarks:—"The rules generally will, doubtless, undergo revision as soon as the commission, now sitting, has closed its inquiries."

But the indulgences and advantages of convicts do not end here. The statement recently made, that the prisoners are often called in from their work during rain, when free labourers would remain out, is admitted, and justified by the Commissioners, on a reason supplied by the late Sir Joshua Jebb—the difficulty of drying the clothes of a great number of men at once (p. 41).

Again: corporal punishment has been resorted to in the public works prisons, for acts of violence by prisoners against their fellow-convicts, or their officers. These acts of violence appear to have been common, and corporal punishment has been used for their repression. Formerly, it seems, four dozen lashes with a cat were inflicted, but here, again, (*soi disant*) humanity stepped in, and a lighter cat is now used, and the lashes restricted to two dozen, while the punishment sometimes cannot be inflicted without considerable delay (p. 43).

One more, and very important privilege of ticket-of-leave-men remains to be noticed, which comes to us on the testimony of the very best witness on the subject—Sir Richard Mayne—as appears from the following questions and answers:—

"I think you stated, that, even in the case of the ticket-of-leave-men frequenting suspected houses haunted by thieves, when the police see them, and also thieves in the house, they may warn the keeper of the house against the thieves, but they are not allowed to point out the ticket-of-leave-men?—There is a distinct order given to the police to that effect; it was given by me, believing that that was the view that the Legislature and the authorities desired should be carried out.

"What, in your opinion, is the natural tendency and effect of such a system upon those men who are holders of tickets of leave, and who are frequenters of these houses?—The natural effect is to give them opportunities to commit crime, which they might otherwise not have."

In a previous answer the witness stated:—

"There was this difference as to the observation of the police being incidentally kept upon them, that, with regard to those who were released on ticket of leave, they were directed not to notice them, as they were looked upon as persons who must be considered reformed, and therefore the police were not to notice them, lest it might make them known, and interfere with their getting employment."

Much has been said in disparagement of legal fictions, but the passage which we have marked in *italics* introduces us to a fiction of police law which equals any of them in absurdity.

Such being the system which the Commissioners had to review, the first question that presents itself is, how did it work? One would have supposed that the state of society during the last winter, especially in the metropolis, where burglary and garotting took up their head quarters, and any person who ventured abroad after dark ran, at least, the risk of being knocked down, plundered, and half strangled, and twenty-three persons were convicted of the latter offence at a single session of the Central Criminal Court, sufficiently answered this question. But not so: the Government inspector of prisons, the late Sir Joshua Jebb, addressed a letter to the newspapers, in which he dogmatically informed the public that the system worked well, and many persons, including some members of Parliament, during the debates on Mr. Adderley's bill, to which we shall presently advert, boldly asserted that there was no increase of crime whatever. Let us hear what the Commissioners—to whom it would be a gross libel to impute any undue want of consideration for criminals—say on this subject:—

"Confining our view to the last seven years, we find, in England and in Ireland, that there was a very considerable decrease in the number of convictions in the years 1858 and 1859, as compared with the two preceding years; that in the year 1860 crime was nearly stationary; but that in the last two years there has been a very large increase in both countries. In the year 1862, as compared with 1860, the number of convictions rose in England from 12,066 to 15,312, and in Ireland from 2979 to 3796; and the number of sentences of death and penal servitude in England from 2261 to 3196, and in Ireland from 304 to 585. In England the increase has been especially remarkable in the number of serious crimes within the metropolitan police district, where, as appears by returns laid before us by the Chief Commissioner of Police, robberies with violence have risen from 32 in 1860 to 97 in 1862, and burglaries in the same time from 179 to 259. In Scotland there was a diminution in the number of convictions in the years 1859 and 1860; no substantial variation in 1861; and an increase in 1862, not, however, extending to cases followed by sentences of death or penal servitude."

As connected with what is stated in the portion of this passage which we have marked in *italics*, it may

be observed, that, in 1860, the wholesome warning, in tickets of leave, that they *would* be cancelled in the event of misconduct, was discontinued, and that in 1861 capital punishment was abolished for all violations of the law, except treason, murder, and one or two more; leaving such offences as wounding with intent to murder, highway robbery with violence, burglary with violence, exhibiting false lights with intent to bring ships into danger, &c., to be dealt with by the phantom punishment of penal servitude.

Having described the Angean stable, we should now proceed to the cleansing process recommended in the Report of the Commissioners, but want of space compels us to break off for the present.

CORRIGENDUM.—In the leading article of last week, p. 267, col. 2, line 3 from end, for "describe," read "find."

### SEPERATE USE OF REAL ESTATE.

A CORRESPONDENT, referring to the case of *Lechmere v. Brotheridge* (9 Jur., N. S., part 1, p. 705), and to the remarks on it (ante, p. 244), considers that in neither was sufficient weight allowed to the decision of Sir J. Leach in *Minot v. Eaton* (4 L. J., O. S., Ch., 134). That case was brought to the notice of the plaintiff's counsel, and cited to the Court after the commencement of the argument for the defendant, and was received by the Master of the Rolls as an important authority, but it is not noticed in the judgment, although the Court took pains to distinguish the less opposite case of *Atcheson v. Le Mann* (23 Law T. 302). Neither case, however, amounts to a decision on the question in the case under discussion. In *Atcheson v. Le Mann* it was held that the wife took an estate for life, with a testamentary power; and Sir J. L. Turner, L. J., only expressed an opinion that she would have had the same power under a gift of the fee to her separate use. In *Minot v. Eaton* the devise was to trustees, upon trust for the testator's widow during her life, and after her death, for Mrs. P., her heirs and assigns, not to be subject to the debts or control of her husband, but for her own use only, and subject to be disposed of by her in her lifetime, or by her will, as she might think proper. But if Mrs. P. died before the widow, the property was given over to her husband. During the widow's life Mr. and Mrs. P. executed a mortgage of the reversion in fee by deed of lease and release. It was contended that the words "subject to be disposed of," &c., were merely part of the description of Mrs. P.'s separate interest, and did not give her a power independent of that interest; and if that was so, she could not dispose of her separate estate without a fine. The Vice-Chancellor was of opinion that there was no distinct power, but that the separate estate carried with it a power of disposition, and he decided the case in favour of the mortgagee on that ground. The case is valuable as shewing the opinion of an able judge; but as there was unquestionably a power of appointment by express limitation, if there was none as incident to the separate estate, the decision, apart from the reasons given for it, is not of much importance.

### PUBLIC EXAMINATION.—MICHAELMAS TERM.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

"As an inducement to students to propose themselves for examination, studentships shall be founded

of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations; and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

"No students shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

### RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Michaelmas Term, to which a student of any of the Inns of Court who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Thursday, the 22nd day of October next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Thursday, the 29th day of October next, and will be continued on the Friday and Saturday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Thursday morning, the 29th October, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Friday morning, the 30th October, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Saturday morning, the 31st October, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Saturday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary, according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.



The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

The READER ON CONSTITUTIONAL LAW and LEGAL HISTORY will expect candidates for honours to be well acquainted with the origin and progress of our Laws and Constitution, as explained in chap. 8, part 3, of Hallam's History of the Middle Ages.

He will expect them to be well acquainted with the Great Charter (on which they will find an excellent Commentary in Sullivan's Lectures, 39, 40, 41, 42, and 43, pp. 343 to 381); with the reigns of Edward I and Richard II; with the chapters in Hallam's Constitutional History, which contain an account of the reigns of Henry VII, Henry VIII, Elizabeth, the Stuarts, William III, and Anne; with the State Trials in the reign of Henry VIII, of the Duke of Buckingham, in Mary, of Throgmorton; the remarkable Trials during the reigns of the Stuarts and William III; with the History of the Law of Treason, Libel, and of the Tenure of Land, down to the beginning of this century.

He refers those candidates especially to the 26th, 27th, 28th, and 29th chaps. in the 3rd vol. of Lord Brougham's Political Philosophy, to the close of the 23rd chap. of Hume's History, vol. 3, p. 296, 8vo. ed., the passage beginning "Thus far have we pursued the History of England," &c.; to the 3rd vol. of Millar's History; to the Preface to Gilbert on Uses, by Lord St. Leonards; the Preface to the State Trials; the 5th chap. of the 2nd vol. of Blackstone's Commentaries (edition in which the text is preserved); and chaps. 1, 2, and 3 of Mr. Justice Foster's Work on the Crown Law.

All candidates will be expected to know the principal events in English History from the Conquest to the Accession of George III; to have an accurate knowledge of the reigns of the Stuart Kings, of Magna Charta, the Petition of Right, the Bill of Rights, the Law of Treason, and the Act of Settlement.

The READER ON EQUITY proposes to examine in the following books:—

1. Haynes's Outlines of Equity; Smith's Manual of Equity Jurisprudence; Hunter's Elementary View of the Proceedings in a Suit in Equity, part 1.

2. The Cases and Notes contained in the 1st volume of White & Tudor's Leading Cases; the Act to further amend the Law of Property and to relieve Trustees, 22 & 23 Vict. c. 35; the Act to further amend the Law of Property, 23 & 24 Vict. c. 38; the Act to give to Trustees, Mortgagees, and others, certain Powers now commonly inserted in Settlements, Mortgages, and Wills, 23 & 24 Vict. c. 145; the Act to regulate the Procedure in the High Court of Chancery and the

Court of Chancery of the County Palatine of Lancaster, 25 & 26 Vict. c. 42; the General Orders of the Court of Chancery of the 1st February, 1861, and of the 5th February, 1861 (7 Jur., N. S., part 2, p. 58); Mitford on Pleadings in the Court of Chancery—Introduction, c. 1, ss. 1, 2; c. 1, s. 3 (the first six pages); c. 2, s. 1; c. 2, s. 2, part 1 (the first three pages); c. 2, s. 2, part 2 (the first two pages); c. 2, s. 2, part 3; c. 3.

Candidates for certificates of having passed a satisfactory examination will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

The READER ON the LAW OF REAL PROPERTY, proposes to examine in the following books and subjects:—

1. Joshua Williams on the Law of Real Property, 6th ed.

2. The Specific Performance of Contracts, and the Remedies at Law for their Breach; Sugden's Vendors and Purchasers, c. 5, s. 3, pp. 200–223 (14th ed.); or Dart's Vendors and Purchasers, caps. 17, 18, pp. 609–745 (3rd ed.).

3. The Law of Uses; *Tyrell's case*; Tudor's Leading Conveyancing Cases, pp. 274–304 (2nd ed.).

4. The Acts 22 & 23 Vict. c. 35 and the 23 & 24 Vict. c. 38, and the Notes to those Acts in the editions of Watters, Hunter, or Langley.

5. The Mutual Rights of Husband and Wife as regards Property; Josiah William Smith on Real and Personal Property, pp. 973–1010 (2nd ed.); and the Acts 20 & 21 Vict. c. 57.

Candidates for honours or the studentship will be examined in all the foregoing books and subjects; candidates for a certificate in those under heads 1, 2, and 3.

The READER ON CIVIL LAW and JURISPRUDENCE proposes to examine in the following books and subjects:—

1. Justinian's Institutes, book 3, with the Notes of Ortolan or Sandars.

2. Mackeldei's Systema Juris Romani—Pars Specialis, lib. 2, § 352–416 (pp. 362–407, ed. Lips. 1847).

3. Code Napoleon, art. 1582–1701, De la Vente; art. 1708–1831, Du Contrat de Louage; art. 1832–1873, Du Contrat de Société.—Code de Commerce, art. 18–64, Des Sociétés.

4. Wheaton's International Law, part 4, c. 3; Rights of War as to Neutrals (ed. 1863).

5. Austin's Province of Jurisprudence Defined. Lecture VI.

Candidates for the studentship or honours will be examined in the whole of the above-named books and subjects; but candidates for a pass certificate will be examined in 1, 4, and 5.

The READER ON COMMON LAW proposes to examine in the following books and subjects:—

Candidates for a pass certificate will be examined in—

1. The ordinary Steps and Course of Pleading in an Action.

2. Smith's Lectures on Contracts (last ed., ss. 1–5 inclusive).

3. The Law of Torts—Broom's Commentaries (2nd ed.), book 3.

4. The Laws of Homicide, and Larceny, as contained in the stats. 24 & 25 Vict. c. 100, ss. 1–10, and c. 96, ss. 1–9, 40, 41, 51–61, 67, 68, and 88, with the Notes thereto in Mr. Greave's edition of the Criminal Law Consolidation and Amendment Acts.

Candidates for the studentship and honours will be examined in the above books and subjects, and also in—

5. The under-mentioned cases, with the notes appended to them, contained in Smith's Selection of Leading Cases (last ed.); *Armory v. Delamirie*; *Ashby v. White*; *Chandelor v. Lopus*; *Coggs v. Bernard*; *Collins v. Blanton*.

6. Selwyn Nisi Prius, c. 9 (12th ed.), "Bills of Exchange and Promissory Notes."

7. Broom's Legal Maxims, c. 6 (3rd ed.), "The Acquisition, Enjoyment, and Transfer of Property."

8. Taylor on Evidence, part 2, c. 4 (3rd ed.), "Best Evidence;" c. 7, "Hearsay;" c. 19, "Admissibility of Parol Evidence to affect Written Instruments."

By order of the Council,

WESTBURY, C., Chairman.

Council Chamber, Lincoln's Inn,

July 17, 1863.

### Imperial Parliament.

#### HOUSE OF LORDS.—Tuesday, July 28.

The royal assent was given to several bills, and, among others, the Jurisdiction of Justices Bill, the Stipendiary Magistrates Bill, the Misappropriation by Servants Bill, the STATUTE-LAW REVISION BILL, the Alterations in Judges' Circuits Bill, the Promissory Notes and Bills of Exchange Bill, and the Poisoned Grain, &c. Prohibition Bill.

Parliament was then prorogued until the 14th October next.

#### HOUSE OF COMMONS.—Tuesday, July 28.

Sir G. Bowyer intimated that, next session, he would submit a bill to enable the benchers of the Inns of Court to constitute a judicial committee for adjudication in certain cases.

NEWMAN, WILLIAM, Middlewich, Cheshire, grocer, Aug. 8, Northwich. Off. Ass. Cheshire; Sol. Thompson, Northwich.—Pet. f. July 21.

NICHOLSON, JOHN, Newcastle-upon-Tyne, engraver, Aug. 5, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Keenbyrd & Co., Newcastle-upon-Tyne.—Pet. f. July 20.

PATRICK, GEORGE, Mount Radford, near Exeter, gentleman, Aug. 5, Exeter. Off. Ass. Daw; Sol. Friend, Exeter.—Pet. f. July 21.

POOLE, WILLIAM SAVAGE, and BURKITT, JOHN LOWE, Kenilworth, Warwickshire, attorneys-at-law, Aug. 17, Birmingham. Off. Ass. Kinnear; Sols. Field, Kenilworth; Hodgson & Co., Birmingham.—Pet. f. July 14.

REID, PRESTON, York, ironmonger, Aug. 6, Leeds. Off. Ass. Young.—Adj. July 14.

SHIFF, WILLIAM, Bristol, coachman, Aug. 14, Bristol. Off. Ass. Harley; Sol. Hill.—Pet. f. July 17.

SPITTLE, THOMAS, Eckington, near Pershore, Worcestershire, horse dealer, Aug. 3, Birmingham. Off. Ass. Kinnear; Sol. East, Birmingham.—Pet. f. July 20.

STARKEY, JOHN, Wolverhampton, Staffordshire, licensed retailer of ale, Aug. 4, Wolverhampton. Off. Ass. Brown; Sol. Creamwell, Wolverhampton.

STEWART, STAIR HAWTHORN, Aldwark, Yorkshire, linen-draper, Aug. 18, Leeds. Off. Ass. Carrick; Sols. Holby, York; Simpson, Leeds.—Pet. f. July 10.

STUBBS, FRANK GEORGE, Easington, Durham, merchant tailor, Aug. 5, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. July 9.

TAYLOR, HENRY, Ringstead, Norfolk, higgler, Aug. 11, King's Lynn. Off. Ass. Wilson; Sol. Garwood, Wells, Norfolk.—Pet. f. July 21.

THOMAS, HENRY, Hereford, innkeeper, Aug. 11, Hereford. Off. Ass. Reynolds; Sol. Bodenham, Hereford.—Pet. f. July 17.

THOMAS, WILLIAM, Liskeard, Cornwall, grocer, Aug. 7, Exeter. Off. Ass. Hirtzel; Sols. Fowler, Plymouth; Hirtzel, Exeter.—Pet. f. July 18.

TOWLE, HENRY, Bingham, Nottinghamshire, surgeon, Aug. 10, Nottingham. Off. Ass. Harris; Sol. Maples, Nottingham.—Pet. f. July 20.

TURNER, ASHTON, Chesterfield, Derbyshire, brewer's manager, Aug. 8, Sheffield. Off. Ass. Young; Sols. Cutts, Chesterfield; Smith & Co., Sheffield.—Pet. f. July 18.

TURNER, MICHAEL, Chatham, Kent, carrier, Aug. 7, Rochester. Off. Ass. Asworth; Sol. Wiltshire, Sheerness.—Pet. f. July 22.

VAUGHAN, DAVID, Fishguard, Pembrokeshire, out of business, Aug. 7, Bristol. Off. Ass. Miller; Sols. Davies, Haverfordwest; Walder & Co., Bristol.—Pet. f. July 22.

WATSON, GEORGE, Bedale, Yorkshire, currier, Aug. 10, Leeds. Off. Ass. Carrick; Sol. Frost, Leeds.—Pet. f. July 21.

WHITELY, JAMES, Bradford, Yorkshire, machine wool combor, Aug. 6, Leeds. Off. Ass. Young; Sols. Hill, Bradford; Simpson, Leeds.—Pet. f. July 22.

WILSON, JOHN, Bishopwearmouth, Durham, boot maker, Aug. 5, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Moore & Co., Sunderland.—Pet. f. July 20.

YATES, JOSEPH, Peterborough, Northamptonshire, plumber, Aug. 3, Peterborough. Off. Ass. Gaches; Sol. Rutland, Peterborough.—Pet. f. July 22.

#### PARTNERSHIP DISSOLVED.

HEWITT, JOHN, and HEWITT, WILLIAM HOPE, Manchester, attorneys and solicitors.

#### TUESDAY, July 28.

##### BANKRUPTS.

##### To be heard in London.

BARTON, HENRY FRANCIS, Bath-street, Tabernacle-square, Shore-ditch, tripe dresser, Aug. 11. Off. Ass. Edwards; Sol. Hill, 16, Basinghall-street.—Pet. f. July 24.

BENY, GEORGE, Park-lane, Piccadilly, and Derby-street, May-fair, dairyman, Aug. 7. Off. Ass. Edwards; Sol. Wells, 47, Moorgate-street.—Pet. f. July 23.

BEST, JAMES, Harington, Middlesex, labourer, Aug. 11. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 23.

BIRD, JOHN, Bryanstone-street, Portman-square, lodging-house keeper, Aug. 7. Off. Ass. Edwards; Sol. Ody, 14, Trinity-street, South-work.—Pet. f. July 21.

BURTON, JAMES, Price's-yard, Binglefield-street, Caledonian-road, cab proprietor, Aug. 11. Off. Ass. Cannan; Sols. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. July 25.

COHEN, AARON, Judd-street, Euston-road, furniture dealer, Aug. 11. Off. Ass. Cannan; Sol. Levy, Henrietta-street, Covent-garden.—Pet. f. July 25.

COLE, WILLIAM HENRY, Sevenoaks, Kent, stationer, Aug. 11. Off. Ass. Graham; Sols. Harrison & Co., Old Jewry.—Pet. f. June 26.

CORNELIUS, GEORGE FREDERICK, Penton-street, Pentonville, commission agent, Aug. 7. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 23.

COWELL, SAMUEL, Kennington-oval, vocalist, Aug. 11. Off. Ass. Cannan; Sol. Peverley, 19, Coleman-street.—Pet. f. July 25.

DE CHANTAL, PIERRE JOSEPH BERGON, Baker-street, Portman-square, professor of the French language, Aug. 11. Off. Ass. Edwards; Sol. Shapland, 2, Cophall-buildings.—Pet. f. July 24.

DINNEY, ALEXANDER, Kennington-grove, Kennington-lane, of no profession, Aug. 11. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 24.

EDWARDS, HOLLAND, Hemingford-road, Barnsbury, attorney's clerk, Aug. 11. Off. Ass. Cannan; Sol. Penfold, 42, Mecklenburgh-square.—Pet. f. July 23.

ELLISON, RICHARD, Salisbury-street and Capland-mews, Lisson-grove, coach painter, Aug. 11. Off. Ass. Edwards; Sol. Burton, 35, Great James-street, Bedford-row.—Pet. f. July 23.

FLIGHT, JOHN, Grove-cottages, Bell-street, Edgeware-road, boot maker, Aug. 11. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 23.

GURNEY, WILLIAM, Saint James-road, Holloway, out of business, Aug. 11. Off. Ass. Edwards; Sol. Moore, 151, Fenchurch-street.—Pet. f. July 23.

HAYES, DAVID, Bridge-street East, Mile End, rope manufacturer, Aug. 11. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 24.

HETLIN, ALEXANDER, Paternoster-row, and Sheffield-terrace, Campden-hill, Kensington, publisher, Aug. 11. Off. Ass. Cannan; Sol. Reed, 1, Guildhall-chambers, Basinghall-street.—Pet. f. July 24.

LONGMAN, CHARLES, Blackman-street, Borough, dyer, Aug. 11. Off. Ass. Edwards; Sol. Wells, 47, Moorgate-street.—Pet. f. July 21.

MARSH, ALFRED, Copenhagen-street, Caledonian-road, warehouseman, Aug. 11. Off. Ass. Cannan; Sol. Porter, 32, Coleman-street.—Pet. f. July 23.

MITCHELL, FREDERICK, Trinity-street, Islington, and Scott's-yard, Bush-lane, City, commission agent, Aug. 11. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 23.

MUDDIMAN, JOSEPH DAGNALL, Aylesbury, Buckinghamshire, perfumer, Aug. 11. Off. Ass. Cannan; Sol. Munday, 6, Essex-street, Strand.—Pet. f. July 24.

RICHARDSON, GEORGE, Kentish-town-road, furnishing ironmonger, Aug. 11. Off. Ass. Edwards; Sol. Chidley, 25, Old Jewry.—Pet. f. July 24.

RUSSELL, WILLIAM, Saint Andrew's-terrace, Wandsworth-road, Clapham, Surrey, journeyman coachmaker, Aug. 11. Off. Ass. Edwards; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. July 22.

SACH, GEORGE, Ealing, carpenter, Aug. 11. Off. Ass. Cannan; Sol. Hare, 66, Basinghall-street.—Pet. f. July 23.

SMITH, ALFRED JAMES, Stockwell-place, Clapham-road, publican, Aug. 11. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 21.

SMITH, HENRY, Leigham-place South, Lambeth New-road, bricklayer, Aug. 11. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 20.

SMITH, HENRY MUX, Dunstable, Hertfordshire, gentleman, Aug. 11, Off. Ass. Cannan; Sols. Hunter & Co., 9, New-square, Lincoln's Inn.—Pet. f. July 23.

STOWELL, WILLIAM, Torriano-gardens, Camden-road, dissenting minister, Aug. 11. Off. Ass. Cannan; Sols. Mason & Co., 7, Gresham-street.—Pet. f. July 25.

STARR, HENRY, High-street, Hoxton, baker, Aug. 11. Off. Ass. Edwards; Sol. Peverley, 19, Coleman-street.—Pet. f. July 25.

SWANCK, FREDERICK, Fowler's-buildings, Great Tower-street, merchant, Aug. 11. Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. July 22.

TUCKER, FRANCIS EDWARD, Old Broad-street, City, bill broker, Aug. 11. Off. Ass. Graham; Sol. Holmes, 8, Southampton-street.—Pet. f. July 21.

WEEK, WILLIAM HENRY, George-street, Hammer-smith, private tutor, Aug. 11. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 24.

WRIGHT, GEORGE, Saint Thomas's-square, Hackney, master in the navy, Aug. 11. Off. Ass. Cannan; Sol. Layton, 9, Church-row, Upper-street, Islington.—Pet. f. July 24.

#### To be heard in the Country.

ASH, JOHN LEONARD, Cardiff, Glamorganshire, shipping master, Aug. 13, Cardiff. Off. Ass. Langley; Sol. Ennor, Cardiff.—Pet. f. July 18.

ATKINSON, GEORGE, Grass-thorpe, Nottinghamshire, miller, Aug. 5, Newark. Off. Ass. Newton.—Adj. July 20.

BARNETT, HENRY, Liverpool, toy dealer, Aug. 13, Liverpool. Off. Ass. Morgan; Sol. Henry, Liverpool.—Pet. f. July 27.

BARRATT, HENRY, Wakefield, Yorkshire, seedsman, Aug. 10, Leeds. Off. Ass. Carrick; Sol. Fernandes, Wakefield.—Pet. f. July 22.

BATCHELOR, ZEPHARIAH, Birmingham, out of business, Sept. 28, Birmingham. Off. Ass. Gufst; Sol. Duke, Birmingham.—Pet. f. July 22.

BIDDICK, WILLIAM HANLEY, St. Issey, Cornwall, carpenter, Aug. 13, St. Columb. Off. Ass. Collins; Sol. Whitefield, St. Columb.—Pet. f. July 24.

BRIDGE, JOHN, Northfleet, Kent, carpenter, Aug. 6, Gravesend. Off. Ass. Southgate; Sol. Sharland, Gravesend.—Pet. f. July 22.

BROUGHTON, WILLIAM, Great Bolton, Lancashire, shopkeeper, Aug. 10, Bolton; Off. Ass. Holden; Sol. Edge, Bolton.—Pet. f. July 24.

CAPE, CHARLES, Gainsborough, Lincolnshire, innkeeper, Aug. 7, Gainsborough. Off. Ass. Burton; Sol. Bladon, Gainsborough.—Pet. f. July 24.

CHAPMAN, WILLIAM CHESTER, Crowle, Lincolnshire, plumber, Aug. 7, Thorne. Off. Ass. Fox; Sols. Smith & Co., Doncaster.—Pet. f. July 18.

COMPTON, JOHN, Farnham, Dorsetshire, farm bailiff, Aug. 11, Blandford. Off. Ass. Johns; Sol. Atkinson, Blandford.—Pet. f. July 25.

DRIVER, JOHN, Bradford, Yorkshire, dyer, Aug. 7, Leeds. Off. Ass. Young; Sols. Iveson, Heckmondwike; Bond & Co., Leeds.—Pet. f. July 27.

GAIR, JOHN, Darlington, Durham, blacksmith, Aug. 8, Darlington. Off. Ass. Bower; Sol. Allison & Co., Darlington.—Pet. f. July 24.

HARRIS, JOHN EDWARD, Wisbeach, Cambridgeshire, grocer, Aug. 12, Wisbeach. Off. Ass. Metcalf; Sol. Oillard, Upwell.—Pet. f. July 28.

HERBERT, THOMAS, Wakefield, Yorkshire, glass dealer, Aug. 10, Leeds. Off. Ass. Carrick; Sols. Wainwright & Co., Wakefield; Bond & Co., Leeds.—Pet. f. July 23.

HILTON, DAVID, and HILTON, HENRY, Sheffield, Britannia metal manufacturers, Aug. 13, Sheffield. Off. Ass. Wake; Sol. Binney, Sheffield.—Pet. f. July 27.

ICETON, JOHN, Willington, Durham, agricultural labourer, Aug. 12, Durham. Off. Ass. Bramwell; Sol. Brignall, Durham.—Pet. f. July 22.

JACKSON, ALFRED, Ipswich, Suffolk, out of business, Aug. 8, Ipswich. Off. Ass. Prettyman; Sol. Pollard, Ipswich.—Pet. f. July 25.

JACKSON, GEORGE, Liverpool, alemaker, Aug. 7, Liverpool. Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. July 23.

KETTLE, JOSEPH, Cardiff, beer retailer, Aug. 13, Cardiff. Off. Ass. Langley; Sol. Goodere, Cardiff.—Pet. f. July 21.

LAX, GEORGE, Manchester, draper, Aug. 24, Manchester. Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. July 23.

LUSHER, JOHN, Ashill, Norfolk, blacksmith, Aug. 6, Swaffham. Off. Ass. Palmer; Sol. Emerson, Norwich.—Pet. f. July 18.

MARSHALL, JOHN, Ripon, Yorkshire, chorister, Aug. 17, Ripon. Off. Ass. Heslop; Sol. Hindle, Ripon.—Pet. f. July 21.

MASON, JOHN, Runcorn, Cheshire, shipbuilder, Aug. 11, Liverpool. Off. Ass. Turner; Sol. Tyrer, Liverpool.—Pet. f. July 25.

MITCHELL, JAMES, Macclesfield, Cheshire, licensed victualler, Aug. 14, Macclesfield. Off. Ass. the registrar; Sol. Norris, Macclesfield.—Pet. f. July 24.

NAYLOR, SAMUEL, Salford, Lancashire, out of business, Aug. 22, Salford. Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. July 22.

PARSONS, RICHARD NEWELL, Dudley, Worcestershire, dealer in cattle, Aug. 17, Dudley. Off. Ass. Walker; Sol. Maltby, Dudley.—Pet. f. July 2.

PEGNUM, HARRIETT, Brighton, licensed to let fvs, Aug. 13, Brighton. Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. July 23.

PENGOLLY, CHARLES, Bodmin, Cornwall, farmer, Aug. 14, Exeter. Off. Ass. Hirtzel; Sol. Pitts, Exeter.—Pet. f. July 27.

PERKINS, NOAH, Basford, Nottinghamshire, coal dealer, Aug. 10, Nottingham. Off. Ass. Harris; Sol. Heath, Nottingham.—Pet. f. July 23.

RAVEN, WILLIAM, Chelmsford, Essex, baker, Aug. 5, Chelmsford. Off. Ass. Gepp; Sol. Duffield, Chelmsford.—Pet. f. July 17.

REMMITT, THOMAS, Harborne, Staffordshire, chaser, Aug. 10, West Bromwich. Off. Ass. Watson; Sol. Shakespeare, Oldbury.—Pet. f. July 24.

REEVES, JOSEPH, Shrewsbury, Shropshire, licensed victualler, Sept. 7, Shrewsbury. Off. Ass. Peele; Sol. James, Wellington.—Pet. f. July 24.

ROBINSON, RAMSDEY, Halifax, sail yarn maker, Aug. 7, Halifax. Off. Ass. Dyson; Sols. Norris & Co., Halifax.—Pet. f. July 23.

RUSSELL, JOB, Axminster, Devonshire, saddler, Aug. 8, Axminster. Off. Ass. Bond; Sol. Flood, Exeter.—Pet. f. July 15.

SHAW, LEIGH, Warrington, Lancashire, provision dealer, Aug. 20, Warrington. Off. Ass. Nicholson; Sol. Day, Warrington.—Pet. f. July 21.

SHIELDS, JOHN MOORE, Long Benton, Northumberland, hotel keeper, Aug. 14, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Pullan, Leeds.—Pet. f. July 23.

SIMS, WILLIAM, Liverpool, shipwright, Aug. 10, Liverpool. Off. Ass. Morgan; Sol. Holden, Liverpool.—Pet. f. July 23.

SMITH, JOHN, Hovingham, Yorkshire, farmer, Aug. 10, Leeds. Off. Ass. Carrick; Sols. Anderson, York; Bond & Co., Leeds.—Pet. f. July 6.

SMYTH, CHARLES, Portland, Dorsetshire, shoemaker, Aug. 7, Weymouth. Off. Ass. Andrews; Sol. Howard, Weymouth.—Pet. f. June 15.

TIMPSON, MONTIMER, Southampton, photographer, Aug. 19, Southampton. Off. Ass. Thorndike; Sol. Mackay, Southampton.—Pet. f. July 24.

TOOTH, JOHN, Greenheys, Lancashire, tobacconist, Aug. 12, Salford. Off. Ass. Hulton; Sol. Foulkes, Manchester.—Pet. f. July 23.

VINCENT, WILLIAM FREDERICK, East Mersea, Essex, coachmaker, Aug. 8, Colchester. Off. Ass. Barnes; Sol. Jones, Colchester.—Pet. f. July 25.

WILKINS, JOSEPH, Exeter, grocer, Aug. 10, Exeter. Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. July 27.

WILLIAMS, JOHN, Ruabon, Denbighshire, tailor, Aug. 10, Wrexham. Off. Ass. Edgworth; Sol. Sherratt, Wrexham.—Pet. f. July 23.

WILLIAMS, WILLIAM JENKIN, Merthyr Tydfil, Glamorganshire, colliery overman, Aug. 8, Merthyr Tydfil. Off. Ass. Russell; Sol. Simons, Merthyr Tydfil.—Pet. f. July 25.

WINGFIELD, JAMES CHRISTOPHER, Kingston-upon-Hull, confectioner, Aug. 10, Hull. Off. Ass. Phillips; Sol. Walker, Hull.—Pet. f. July 23.

WOOD, WILLIAM, St. Bordeaux, Devonshire, out of business, Aug. 10, Exeter. Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. July 20.

WRIGHT, BENJAMIN, Bilton, Staffordshire, charter master, Aug. 17, Birmingham. Off. Ass. Whitmore; Sol. Jackson, West Bromwich.—Pet. f. July 23.

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E E

## GAZETTES.—FRIDAY, July 31.

## BANKRUPTS.

*To be heard in London.*

- ABLE, LOUIS CHARLES CRETIAN, Bedford-street, Covent-garden, waiter at an hotel, Aug. 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 23.
- BAILEY, JONATHAN, Plumstead, Kent, builder, Aug. 15. Off. Ass. Edwards; Sol. Orchard, 5, John-street, Bedford-row.—Pet. f. July 27.
- CROSS, EDWARD, Southampton, leather seller, Aug. 11. Off. Ass. Edwards; Sols. Paterson & Co., 7, Bouverie-street; Mackay, Southampton.—Pet. f. July 25.
- FAOET, STEPHEN, Acton-place, Kingsland-road, and St. Michael's-alley, Cornhill, mariner, Aug. 11. Off. Ass. Edwards; Sols. Lawrence & Co., 12, Bread-street.—Pet. f. July 28.
- GOODE, THOMAS SMITH, Heath-row, Hampstead, and Leicester-square, commission merchant, Aug. 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. July 18.
- HANCOCK, JOHN, Bolsover-street, Portland-place, sculptor, Aug. 18. Off. Ass. Cannan; Sols. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. July 28.
- HITCHINS, JOHN, Vassall-road, Brixton, assistant to a photographer, Aug. 18. Off. Ass. Cannan; Sol. Lewis, 2, Raymond-buildings, Gray's-inn.—Pet. f. July 28.
- JONES, ALFRED SAMUEL, Crawford-street, Cold Harbour-lane, Camberwell, plumber's clerk, Aug. 18. Off. Ass. Cannan; Sols. Thomson & Co., 60, Cornhill.—Pet. f. July 29.
- LAMBIE, EDWIN CORNISH, Kentish-town-road, carpenter, Aug. 11. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 24.
- LATHERBY, RICHARD, Leighton-road, Kentish-town, and the Metropolitan Cattle Market, cattle dealer, Aug. 15. Off. Ass. Edwards; Sols. Preston & Co., 13, Gresham-street.—Pet. f. July 27.
- MARSDEN, JOSEPH HENRY, Manchester, hat manufacturer, Aug. 18. Off. Ass. Cannan; Sols. Le Blanc & Co., 18, New Bridge-street.—Pet. f. July 29.
- MARSHALL, FREDERICK CARVER, Market-row, Oxford-market, pork butcher, and Drummond-road, Bermondsey, prepared charcoal manufacturer, Aug. 15. Off. Ass. Edwards; Sols. Atkinson & Co., 2, Great James-street, Bedford-row.—Pet. f. July 27.
- NAPIER, FRANCES HURTINGDON ISABELLA, Brunswick-square, Camberwell, private boarding-house keeper, Aug. 15. Off. Ass. Edwards; Sol. Rae, 9, Mincing-lane.—Pet. f. July 27.
- NORDLEY, ANNE, Bradmore, Hammersmith, of no business, Aug. 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 29.
- OWEN, JOHN, Monk Sherborne, near Basingstoke, Hampshire, surveyor, Aug. 18. Off. Ass. Cannan; Sol. Munday, 6, Essex-street, Strand.—Pet. f. July 28.
- PAGE, JOHN, Lombard-street, iron merchant, Aug. 18. Off. Ass. Cannan; Sol. Staepool, Pinner's-hall, City.—Pet. f. July 29.
- PERRY, JAMES, Greenwich, Kent, assistant to an oil refiner, Aug. 15. Off. Ass. Edwards; Sol. Chipperfield, 3, Trinity-street, Southwark.—Pet. f. July 27.
- RIGBY, JAMES, Upper Whitecross-street, St. Luke's, fruiterer, Aug. 18. Off. Ass. Cannan; Sol. Norton, 10, Clifford's-inn.—Pet. f. July 27.
- STEPHENSON, FREDERICK, Joseph-street, St. George's-in-the-East, ironfounder, Aug. 18. Off. Ass. Cannan; Sol. Plunkett, 63, Basinghall-street.—Pet. f. July 27.
- SWENBECK, FREDERICK (and *not* SWENBECK, FREDERICK, as before advertised), Fowke's-buildings, Great Tower-street, merchant, Aug. 11. Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. July 22.
- THOMAS, FREDERICK CHARLES, Elm-street, Gray's-inn, out of business, Aug. 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 29.
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- WATSON, FREDERICK LLOYD, Holt, Norfolk, bookseller, Aug. 18. Off. Ass. Cannan; Sol. Hodgson, 10, Salisbury-street, Strand.—Pet. f. July 28.
- WEST, JOHN STEWELL, and HUGHES, HENRY, Welbeck-street, Cavendish-square, brush manufacturers, Aug. 11. Off. Ass. Edwards; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. July 24.
- YOUNGMAN, THOMAS, Montague-street, Montague-square, and Baker's-mews, Portman-square, horsedealet, Aug. 18. Off. Ass. Cannan; Sol. Hare, 66, Basinghall-street.—Pet. f. July 28.

*To be heard in the Country.*

- BARLOW, WILLIAM, Radcliffe, Lancashire, grocer, Aug. 27, Bury. Off. Ass. Grundy; Sol. Welsh, Manchester.—Pet. f. July 25.
- BEARDSLEY, JOSEPH, Thorpe, near Ashborne, Derbyshire, licensed victualler, Aug. 14, Ashborne. Off. Ass. Hubbersty; Sol. Roberts, Manchester.—Pet. f. July 23.
- BEAUMONT, JAMES HUTCHINSON, Leeds, painter, Aug. 18, Leeds. Off. Ass. Sangster; Sol. Emsley, Leeds.—Pet. f. July 24.
- BLAKSTON, WILLIAM ANTHONY, Sunderland, Durham, schoolmaster, Aug. 14, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Young, Sunderland.—Pet. f. July 27.
- BREWSTER, JOHN RANDEL, Birmingham, bookseller, Sept. 25, Birmingham. Off. Ass. Guest; Sol. King, Birmingham.—Pet. f. July 27.
- BURLING, JOSEPH, Newmarket Saint Mary, Suffolk, tailor, Aug. 13, Newmarket. Off. Ass. Button; Sol. Hunt, Cambridge.—Pet. f. July 25.
- CADOGAN, HENRY, Aune, Gloucestershire, innkeeper, Aug. 20, Newnham. Off. Ass. Mason; Sol. Page, Newnham.—Pet. f. July 28.
- CARNEY, MICHAEL, Rugeley, Staffordshire, marine store dealer, Aug. 12, Rugeley. Off. Ass. Gardner; Sol. Palmer, Rugeley.—Pet. f. July 24.

- CHADWICK, JOHN, Great Bolton, Lancashire, file smith, Aug. 12, Bolton. Off. Ass. Holden; Sols. Richardson & Co., Bolton.—Pet. f. July 27.
- CHARLES, FREDERICK WEAVER HENRY, Leigh, Worcestershire, shoemaker, Aug. 18, Worcester. Off. Ass. Hill; Sol. Cortes, Worcester.—Pet. f. July 16.
- DAVIES, JOHN, Cleobury Mortimer, Shropshire, brick maker, Aug. 12, Cleobury Mortimer. Off. Ass. Trow; Sol. Saunderson, Kidderminster.—Pet. f. July 24.
- DENTITH, JOHN, Leeds, eating-house keeper, Aug. 18, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. July 25.
- EXLEY, GEORGE, Leeds, out of business, Aug. 13, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. July 22.
- GADSDEN, WILLIAM, Eaton Bray, Bedfordshire, pig jobber, Aug. 17, Bedford. Off. Ass. Kipling; Sol. Rogers, Bedford.—Adj. July 13.
- GILES, WILLIAM BROOKE, Leeds, dealer in horses, Aug. 17, Leeds. Off. Ass. Carrick; Sol. Simpson, Leeds.—Pet. f. July 30.
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- GOODALL, THOMAS, Fareham, Hampshire, pipemaker, Aug. 15, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsmouth.—Pet. f. July 27.
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- HARD, WILLIAM TOMLINSON, Egmanton, Nottinghamshire, schoolmaster, Aug. 19, Newark. Off. Ass. Newton; Sol. Ashley, Newark.—Pet. f. July 29.
- HAWKES, JOHN, Cambridge, dealer in cattle, Aug. 10, Cambridge. Off. Ass. Eaden; Sol. Hunt, Cambridge.—Pet. f. July 27.
- HOWATSON, JAMES, Gateshead, Durham, out of business, Aug. 14, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Bush, Newcastle-upon-Tyne.—Pet. f. July 23.
- HOYLE, RICHARD, Boston, Lincolnshire, cordwainer, Aug. 10, Nottingham. Off. Ass. Harris; Sols. Brown & Co., Lincoln.—Pet. f. July 23.
- HUGILL, JOSEPH, Kingston-upon-Hull, provision dealer, Aug. 10, Hull. Off. Ass. Phillips; Sol. Pellingell, Hull.—Pet. f. July 28.
- JONES, LEWIS, Toxteth-park, near Liverpool, out of business, Aug. 11, Liverpool. Off. Ass. Hime; Sols. Evans & Co., Liverpool.—Pet. f. July 23.
- LIGHT, SAMUEL, Manchester, flour factor, Aug. 24, Manchester. Off. Ass. Kay; Sol. Gardner, Manchester.—Adj. July 15.
- LYON, RICHARD, Leeds, out of business, Aug. 18, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. July 24.
- LYONS, HENRY JAMES, Kingston-upon-Hull, ironmonger, Aug. 19, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Pellingell, Hull.—Pet. f. July 29.
- MASON, WILLIAM, Sheffield, Yorkshire, and Hatton-garden, Middlesex, electro-plate manufacturer, Aug. 15, Sheffield. Off. Ass. Young; Sols. Gould & Co., Sheffield.—Pet. f. July 23.
- MEY, HENRY, Chesterfield, Derbyshire, jeweller, Aug. 15, Sheffield. Off. Ass. Young; Sols. Graston, Chesterfield; Unwin, Sheffield.—Pet. f. July 28.
- MILWARD, WILLIAM, Cardiff, Glamorganshire, publican, Aug. 17, Cardiff. Off. Ass. Langley; Sol. Waldron, Cardiff.—Pet. f. July 23.
- NICHOLLS, RICHARD, Phillack, Cornwall, mining clerk, Aug. 19, Exeter. Off. Ass. Hirtzel; Sols. Flound, Exeter; Greville & Co., St. Swithin's-lane, King William-street.—Pet. f. July 28.
- NUTTALL, ADAM, Accrington, Lancashire, contractor, Aug. 26, Manchester. Off. Ass. Pott; Sols. Higson & Co., Manchester.—Pet. f. July 27.
- O'BRIEN, JAMES PATRICK, Christchurch, Monmouthshire, organist, Aug. 18, Newport. Off. Ass. Roberts; Sol. Blakey, Newport.—Pet. f. July 27.
- PETERS, HENRY SIMMONS, Bristol, ship chandler, Aug. 11, Bristol. Off. Ass. Acraman; Sol. Gooden, Bristol.—Pet. f. July 20.
- REYNOLDS, JOSEPH, Stapleton, Gloucestershire, Aug. 14, Bristol. Off. Ass. Harley; Sol. Brittan, Bristol.—Adj. July 22.
- RICHARDSON, THOMAS, Bury, Lancashire, fishmonger, Aug. 27, Bury. Off. Ass. Grundy; Sol. Anderton, Bury.—Pet. f. July 29.
- SCURLOCK, JOSEPH, Pembroke Dock, joiner, Aug. 15, Pembroke. Off. Ass. Lanning; Sol. Parry, Pembroke Dock.—Pet. f. July 28.
- SEELY, JOSEPH JAMES, Buxton, Derbyshire, manager of a bath, Aug. 21, Manchester. Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. July 28.
- SMITH, CHARLES, Sandown, Isle of Wight, manager of the Sandown Gasworks, Aug. 12, Newport. Off. Ass. Blake; Sol. Joyce, Newport.—Pet. f. July 25.
- SMITH, WILLIAM JOSEPH, Manchester, manufacturer, Aug. 27, Manchester. Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. July 25.
- STARKE, WILLIAM, Bristol, carpenter, Aug. 14, Bristol. Off. Ass. Harley; Sol. Shipton, Bristol.—Pet. f. July 28.
- STEAM, JOHN, Belper, Derbyshire, bootmaker, Aug. 12, Belper. Off. Ass. Ingle; Sol. Borough, Derby.—Pet. f. July 21.
- STOCKER, THOMAS, Basingstoke, Southampton, general dealer, Aug. 15, Basingstoke. Off. Ass. Lamb; Sol. Smith, Reading.—Pet. f. July 27.
- WHITE, CHARLES, Hull, pilot, Aug. 10, Hull. Off. Ass. Phillips.—Adj. July 15.
- WILKINSON, GEORGE, Kingston-upon-Hull, smack owner, Aug. 19, Kingston-upon-Hull. Off. Ass. Carrick; Sols. Ayre, Hull; Bond & Co., Leeds.—Pet. f. July 27.

[For continuation of Gazette, see p. 287.]

CONTENTS.

London Gazettes.....	283
Leading Article.....	283
Death of Sir Crosswell Crosswell.....	285
Prospectus of Lectures for Michaelmas Term, 1863 ..	286
Statutes passed during the late Session of Parliament.	

NAMES OF THE CASES REPORTED.

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Buckland v. Gibbins.—( <i>Lessor and lessee—Proceedings to enforce legal right—Improper exercise of legal right—Injunction to restrain</i> ).....	781
<i>In re</i> The Moseley Green Coal and Coke Company (Limited), <i>ex parte</i> Fox.—( <i>Joint-stock company—Winding up—Contributory—Registry—19 &amp; 20 Vict. c. 47—20 &amp; 21 Vict. c. 14</i> ) .....	785

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Drew v. Lockett.—( <i>Principal and surety—Rights of surety</i> ) .....	786
---	-----

VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Earl of Shrewsbury v. North Staffordshire Railway Company. — ( <i>Practice—Demurrer—Supplemental suit</i> ) .....	787
<i>In re</i> Nowell.—( <i>Practice—Charging order</i> ).....	788

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Elsey and Another v. Adams.—( <i>Practice—Ex parte injunction—Office copy of affidavit</i> ) .....	788
Marsh and Another v. Peacocke.—( <i>Commission in the army, sale of, by agents—Verbal agreement—Notice—Lien—Public policy</i> ) .....	789
Bowen v. Pearson.—( <i>Practice—Production of documents</i> ) .....	789

COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

Ashpittel v. Bryan.—( <i>Bill of exchange—Drawing and indorsing, per procuration, in the name of a deceased person—Estoppel</i> ) .....	791
Boulding v. Tyler.—( <i>Payment into court—Costs—13 &amp; 14 Vict. c. 61, s. 11</i> ) .....	794
By H. HOLROYD, Barrister at Law.	
Reg. v. The Inhabitants of Barton-upon-Irwell.—( <i>Settlement by apprenticeship—The inhabitation—Residence in several parishes</i> ) .....	795
Bridge, App., Parsons, Resp.—( <i>Animal—Cruelty to animals—Cockfighting—12 &amp; 13 Vict. c. 92. ss. 2, 29</i> ).....	796

COURT OF COMMON PLEAS.

By J. GRANT, Barrister at Law.

Reader v. Kingham.—( <i>Statute of Frauds, 4th section—The promisee must be the original creditor</i> ) .....	797
Cavey v. Lidbetter.—( <i>Smoke nuisance—Burning bricks—Misdirection</i> ) .....	798
Rayson v. Adcock.—( <i>Copyhold—Mortgage—Ejectment</i> ).....	800

EXCHEQUER CHAMBER.

By E. BULLOCK, Barrister at Law.

The Lord Mayor, Aldermen, and Common Council of the City of London v. Cox and Others.—( <i>Foreign attachment—City of London—Garnishment—Lord Mayor's Court—Jurisdiction—Garnishee—Resident within the city of London—Writ of prohibition</i> ) .....	800
---	-----

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Senior v. The Metropolitan Railway Company.—( <i>Lands Clauses Consolidation Act—Compensation—Loss of trade</i> ) .....	802
Ford v. Ager and Another.—( <i>Title by lapse of time—Payment of interest on mortgage—Estoppel</i> ) ...	804

THE JURIST.

LONDON, AUGUST 8, 1863.

WE proceed to conclude our observations on the Report of the Commissioners on Transportation and Penal Servitude. Having described the existing system of penal servitude, and declared their conviction of the necessity for reform in it, the Commissioners, in the end of their Report (p. 72) give the following as "the most important of their recommendations:"—

- "1. That sentences of penal servitude should not in future be passed for shorter terms than seven years.
- "2. That the principle, already recognised by the law, of subjecting re-convicted criminals to severer punishment, should be more fully acted on.
- "3. That convicts sentenced to penal servitude should be subjected, in the first place, to nine months separate imprisonment, and then to labour on public works for the remainder of the term for which they are sentenced, but with the power of earning, by industry and good conduct, an abridgement of this part of their punishment.
- "4. That all male convicts, who are not disqualified for removal to a colony, should be sent to Western Australia during the latter part of their punishment.

"5. That those who may be unfit to go there, but may earn an abridgement of their punishment, and who may consequently be discharged at home under license, should be placed under strict supervision till the expiration of the terms for which they were sentenced, and that the necessary powers should be given by law for rendering this supervision effectual."

The Commissioners also recommend that, in order to guard against premeditated outbreaks among the convicts, they be divided into classes, kept separate from each other (p. 42); and observe that the restrictions imposed on the corporal punishment of convicts for acts of outrage against the officers in charge of them, or their fellow convicts, have been injudicious (p. 43); that the practice of giving a convict half-a-day's schooling a week, in the hours that would otherwise be devoted to labour, is objectionable (p. 44); that communication between convicts and free labourers ought not to be allowed (Id.); and that the system of gratuities to convicts ought to be put under better regulation (p. 48). They also think the present remission of punishment in Australia excessive (p. 56); and that the practice of conditional pardons there should be discontinued (p. 57).

But, while making these recommendations calculated to render the punishment of penal servitude somewhat less of a farce than it is at present, the Commissioners seem anxious to protect the convicts against undue severity. Thus, they declare, that, in



their opinion, the punishment of penal servitude is more severe than is generally supposed (p. 41), and that they cannot undertake to say that the diet of the convicts is excessive (p. 42); and they suggest the establishment of savings banks in Australia, in which the holders of tickets of leave may deposit their earnings (p. 63). They also complain that the convicts do not now enjoy such frequent opportunities of seeing the chaplain as formerly (p. 49)—a complaint the value of which will necessarily be affected in some degree by the conduct of those chaplains towards the prisoners, and the amount of discretion exhibited by them in recommending convicts for tickets of leave.

Weak and objectionable as we deem this Report on many grounds, there is none in which the incapacity of the Commissioners appears so deplorable, if not ludicrous, as where they openly acknowledge the existence of evils, and at the same time avow their inability to suggest a remedy. Instances of this will be found at p. 68, where the Commissioners tell us that they are embarrassed what to do with those convicts who, having undergone their course of penal servitude, are unfit for removal to a colony. On this the Commissioners say—"There seems no reason to suppose that, by a proper system of superintendence, they may not be prevented from becoming dangerous to society, but it is an embarrassing question, how an honest living is to be earned by men who, in general, will be unfit for hard labour, besides being exposed to the same disadvantages with other discharged convicts in the competition for employment. This appeared to us so formidable a difficulty, that we were in the first instance disposed to consider, whether it would not be necessary to establish some special refuge for such unfortunate persons; but on looking further into the question, we were satisfied that any such scheme would be open to insurmountable objections, and that these men can only be left to that provision which the law has made for the destitute, whatever may be the cause of their destitution. Some assistance may, we hope, be given to them by those excellent institutions the Prisoners' Aid Societies, but we are convinced that this can only be safely done by private benevolence." They express similar apprehensions respecting female convicts (p. 70); and respecting the existing race of convicts who are under sentence of penal servitude not exceeding four years, to whom the Commissioners think it only good faith not to apply the punishment of transportation (pp. 71, 72).

As previously stated, one of the Commissioners, Mr. Childers, dissents from the proposals as to transportation (p. 97); and another, Mr. Henley, refused to sign the Report on the ground, that he believes that the "granting licenses to be at large unsuited to this country, and injurious to the convicts and to society. It is better when a convict is discharged, either by pardon from the Crown or at the termination of his sentence, that he should be a free man" (p. 74).

We now turn to the Memorandum of the Lord Chief Justice, who dissents from most of the Report. This document reflects the highest credit on that emi-

nent judge, and its philosophical spirit, straightforwardness and manliness stand out in fine contrast to the trifling with crime, vacillation, and false humanity which pervade the Report. Viewed as a literary composition also, the Memorandum is greatly superior to it; but that is a small matter.

In the first place, the Lord Chief Justice lays down *principles*—a thing which from the other Commissioners we look in vain, unless the desire to interfere with a vicious system as little as possible, and to postpone the interests of those who obey the law to the interests of those who break it, can be denominated such.

The true principles of punishment are thus stated by the Lord Chief Justice:—

"It is necessary to bear in mind what are the purposes for which the punishment of offenders takes place. These purposes are two-fold; the first, that of deterring others exposed to similar temptations from the commission of crime; the second, the reformation of the criminal himself. The first is the primary and more important object: for though society has, doubtless, a strong interest in the reformation of the criminal, and his consequent indisposition to crime, yet the result is here confined to the individual offender, while the effect of punishment, as deterring from crime, extends not only to the party suffering the punishment, but to all who may be in the habit of committing crime, or who may be tempted to fall into it. Moreover, the reformation of the offender is in the highest degree speculative and uncertain, and its permanency, in the face of renewed temptation, exceedingly precarious. On the other hand, the impression produced by suffering, inflicted as the punishment of crime, and the fear of its repetition, are far more likely to be lasting, and much more calculated to counteract the tendency to the renewal of criminal habits. It is on the assumption that punishment will have the effect of deterring from crime that its infliction can alone be justified, its proper and legitimate purpose being not to avenge crime, but to prevent it" (p. 85). "It may well be doubted whether, in recent times, the humane and praiseworthy desire to reform and restore the fallen criminal may not have produced too great a tendency to forget that the protection of society should be the first consideration of the lawgiver" (p. 86).

We strongly recommend the perusal of the whole of this able paper, from which we have only space to give the following additional extracts:—

"The weakness of our system of penal servitude is to be sought in the manner in which the punishment is inflicted under it rather than in the periods to which it has been extended. Moderate labour, ample diet, substantial gratuities, with the remission of a fixed portion of the sentence, are hardly calculated to produce on the mind of the criminal that salutary dread of the recurrence of the punishment which may be the means of deterring him, and, through his example, others, from the commission of crime" (p. 81).

"Moreover, the inefficiency necessarily inherent in a system thus administered has probably been greatly aggravated by a total disregard, in practice, of the

fundamental conditions on which remission, as an essential part of it, is deemed to be justified" (p. 82).

"It appears to me most material, to the full efficiency of punishment, that its infliction shall be certain. The chances of eluding detection, or of escaping conviction, already introduce a degree of uncertainty sufficient to neutralise to a considerable extent the salutary restraint which the fear of punishment would otherwise engender. If to this be added a doubt whether, when conviction has taken place, the sentence pronounced by the judge will be fully carried into effect, a new element of uncertainty and confusion is necessarily introduced. It is essential that the sentence of the judge, once pronounced, should, except under very special and exceptional circumstances, be carried into effect to the full extent of its requirements. The fact, that by good conduct while under sentence, a convicted criminal can escape a portion of the punishment, is calculated to detract from its effect in deterring from crime" (p. 89).

"I can see no reason to think, considering the powers of coercion, discipline, and reduction of diet, possessed by the prison authorities, that by the application of firmness and determination, with a sufficient force of officers, convicts, especially if not massed in too great numbers, but judiciously distributed, may not be kept under perfect control and discipline" (p. 90).

"How little dependance is to be placed on good conduct and apparent industry while undergoing sentence, may be gathered from a further statement of Mr. Smith:—'As a rule,' he remarks, 'the prisoners who are the most dangerous to society are the best conducted while in prison. This makes all marks for mere good conduct in the observance of rules, &c., and all professions of amendment, perfectly fallacious as indicating their real state'" (p. 92).

"My persuasion is, that punishment should be made as rigorous as is consistent with health of body and mind; that, being rendered thus rigorous, it should not be prolonged beyond what is necessary to deter from similar crime; but that, the sentence of the judge once pronounced, the punishment should be suffered for the full and entire period of the sentence" (p. 97).

Before dismissing the subject, we must call attention to stat. 26 & 27 Vict. c. 44, founded on a bill introduced by Mr. Adderley during the last session, which we cannot help looking on as a parliamentary protest against the scandalous inefficiency of the law respecting persons convicted of serious offences. That statute is intitled "An Act for the further Security of the Persons of her Majesty's Subjects from personal Violence." After reciting that the provisions of stats. 24 & 25 Vict. c. 96, s. 43, and 24 & 25 Vict. c. 100, s. 21, against robbery or attempted robbery with violence, &c., are insufficient to deter from crimes of violence: it enacts, that "where any person is convicted of a crime under either of the said sections, the Court before whom he is convicted may, in addition to the punishment awarded by the said sections, or any part thereof, direct that the offender, if a male, be once, twice, or thrice privately whipped, subject to the following provisions:—

"1. That in the case of an offender whose age

does not exceed sixteen years, the number of strokes at each such whipping do not exceed twenty-five, and the instrument used shall be a birch rod:

"2. That in the case of any other male offender, the number of strokes do not exceed fifty at each such whipping:

"3. That in each case the Court, in its sentence, shall specify the number of strokes to be inflicted, and the instrument to be used:

Provided that in no case shall such whipping take place after the expiration of six months from the passing of the sentence; provided also, that every such whipping to be inflicted on any person sentenced to penal servitude shall be inflicted on him before he shall be removed to a convict prison, with a view to his undergoing his sentence of penal servitude."

Whether burglary and garotting will enjoy, during the ensuing winter, a Saturnalia like that enjoyed by them during the last, remains to be seen. Should such fortunately not be the case, it will then become a question whether this result is attributable to the exertions of the Royal Commission, to the efficiency and number of Sir George Grey's police, to the terror of this new enactment; or, to what we cannot help thinking probable, that persons who are not desirous of being throttled and plundered will avail themselves of the clause in the Bill of Rights, which declares that all Englishmen have a right to bear arms for their defence, to walk armed through the land, and perhaps even go so far as to inflict Lynch law on their assailants,—to the eternal disgrace of England as a civilised country, and a caution to future rulers against false humanity, empiricism, and credulity.

#### DEATH OF SIR CRESSWELL CRESSWELL.

WE announce, with much regret, the decease of the Right Hon. Sir Cresswell Cresswell, Knt., the respected judge of the Court of Probate, and Judge Ordinary of the Court for Divorce and Matrimonial Causes, which took place on the 29th ult., in the sixty-fifth year of his age, it is believed, from disease of the heart. This had lain dormant and perfectly unsuspected in his system until set in motion by an accident which occurred a few days before his death, when himself and the horse on which he was riding were thrown down by a carriage.

The deceased judge received an academic education at Cambridge, but was not greatly distinguished there. He was what is commonly called the "wooden spoon"—a fact worthy to be recorded in this notice for the encouragement of others who may be equally unfortunate: He was known to the Profession so far back as 1822, when he became contributor to the Reports of Barnewall & Cresswell. He subsequently rose into first-rate practice on the Northern Circuit, where, for several years previous to 1842, when he was raised to the dignity of judge of the Court of Common Pleas, he completely distanced all his rivals. In this post he remained until 1858, when he was appointed to the office of judge of the recently-created Courts of Pro-

bate and for Divorce and Matrimonial Causes, which he occupied until his death. He was in Parliament for several years, but, like many others of his Profession, little is known of him as a legislator.

Sir Cresswell Cresswell was a good lawyer, a man of great tact and judgment, and a speaker of singular clearness and precision of language. But he was not an orator, and appeared devoid of passion. Although a most efficient advocate in general, we doubt if he could have defended Hardy as it was done by Lord Erskine; or, had he attained the post of Chief Justice, would have stood comparison with Coke or Hale, or perhaps even Campbell, in point of soundness, knowledge, or vigour. He is chiefly remarkable as the first judge who presided over the somewhat anomalous tribunal denominated "The Court for Divorce and Matrimonial Causes." He was there called on to administer a system compounded partly of common law, partly of equity, partly of ecclesiastical law, and partly of new principles, introduced by the Legislature; the bar over which he presided being a mixture of three classes of practitioners whose systems differed widely from each other. To blend these different elements into one harmonious whole, and to form a practice for the new tribunal, was indeed a work of difficulty, and its successful execution remains a monument of his fame.

Whether the subject of this notice was a popular man, in a personal sense, is questionable. He seemed to have an excellent opinion of his own abilities, and a considerable contempt for his opponents when at the bar, for the counsel who practised before him when on the bench, and generally for all brought into professional connexion with him; at the same time it is probable that his manner led to the belief that he entertained this feeling more strongly than he did in reality. Supercilious conduct at the bar is not calculated to excite respect or make friends; and although we are far from denying that satire and sarcasm are often useful on the bench to keep down refractory persons on whom reason would be thrown away, still a judge with a sneer almost continually on his countenance, as was unfortunately his case, is not an impersonation of the highest judicial character. Making, however, every abatement for these defects, Sir Cresswell Cresswell was an able and learned judge, and, in the flower of his intellect, died in harness; the accident which accelerated, if it did not occasion, his death, having happened while he was returning home from the court over which he presided, and which owes its present state of efficiency to his genius, learning, and industry.

### PROSPECTUS OF THE LECTURES

*To be delivered during the ensuing Michaelmas Educational Term, by the several Readers appointed by the Inns of Court.*

#### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Reader will trace the History of our Constitution from the middle of the reign of Henry VIII to the latest period which the time allotted to the Course will enable him to reach. He will dwell particularly on the Judicial and Legal History of the different ages which he describes, as recorded in the Statute-books, the volumes of Reports, and the State Trials.

In his Private Classes he will begin with the reign of William III, and proceed in regular order to that of his successors, till the accession of George III.

The books to which he will chiefly refer are—Blackstone's Commentaries, by Kerr (last ed.)—Burnet's History of the Church—Rapin's History of the Period—Statute-book of the Period—Lord Clarendon's History—May's History—Rushworth's Collections—

Brodie's History—Hallam's Constitutional History—Hayes' History of Conveyancing—Burnet's Memoirs—State Trials—Starkie's Law of Libel.

#### EQUITY.

The Reader on Equity proposes to deliver, during the ensuing Educational Term, a course of Six Lectures:—

1. On the Sources of English Law. The Origin of the Feudal System, and the Judicial Procedure to which it gave rise in Normandy and England.
2. On the Office of Chancellor; its Connexion with the Common-law Courts. The Rise and Principles of the Equitable Jurisdiction. The Custody of the Great Seal.
3. On the Present Constitution of the Court of Chancery. The Principles of Equity Pleading. The Recent Alterations in the Procedure of the Court.
4. On the Law of Bankruptcy.

The Reader on Equity proposes to form two Private Classes, a Senior and Junior, according to the amount of preliminary knowledge possessed by the Students; using, in the Junior, "Smith's Manual of Equity Jurisprudence," as a Text-book; and in the Senior, examining the principal branches of Equitable Jurisdiction, with a frequent reference to Cases; and also commencing the perusal of Lord Redesdale's Treatise on Equity Pleadings.

#### THE LAW OF REAL PROPERTY.

The Reader on the Law of Real Property, &c., proposes to deliver, in the ensuing Educational Term, Six Lectures on the following subjects:—

1. The Specific Performance of Contracts for the Sale and Purchase of Real Estate.
2. The Ownership of Machinery and Chattels attached to or used with Land or Buildings.

The Reader on the Law of Real Property will, in his Private Classes, refer from time to time more particularly to the Cases cited in his Public Lectures. He will also endeavour to go through a Course of Real Property Law, using Mr. Joshua Williams's work on Real Property, and Mr. Tudor's Leading Cases on Conveyancing, as Text-books.

#### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law proposes, in the ensuing Educational Term, to deliver Six Public Lectures on the following subjects:—

1. The Jurisconsulti of Ancient Rome; their Functions and Emoluments.
2. The Historical Development of the Roman Civil Procedure, and its Influence upon the Amendment of the Substantive Law.
3. The System of Pleading in Roman Civil Actions, and the Modes of Determination of Questions of Law and Fact.
4. The Modes of Proof in Roman Civil Actions.

In his Private Class, the Reader proposes to commence a complete Course of the Roman Civil Law, using Sandars' Justinian, and the Systema Juris Romani of Mackeldey as Text-books. The Reader will also in his Private Class discuss various points of International Law, using the work of Wheaton as the Text-book.

#### COMMON LAW.

The Reader on Common Law proposes to deliver, during the ensuing Educational Term, Six Public Lectures as under. The first Lecture will be Introductory to the Study of the Law. In the remaining Lectures, our Common Law will be viewed in relation to—

1. The Leading Doctrines of Constitutional Law.
2. Principles of Legislative Policy.

### 3. Principles regulating Civil Lights and Liabilities.

With his Private Class, the Reader will follow out the above scheme, using for reference—the State Trials, Smith's Leading Cases (last ed.); and Broom's Legal Maxims (2nd ed.)

By order of the Council,  
(Signed) WESTBURY, C., Chairman.

Council Chamber, Lincoln's Inn,  
July 17, 1863.

TUESDAY, Aug. 4.

#### BANKRUPTS.

##### To be heard in London.

BAGLEY, ROBERT, Grove-road, Fulham-fields, Fulham, foreman to a market gardener, Aug. 15. Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. July 30.

BELL, MARY ANN, Charrington-street, Camden-town, out of business, Aug. 19. Off. Ass. Edwards; Sol. Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. July 31.

BRINGLOE, JOHN, Elizabeth-place, Cold Harbour-lane, Camberwell, surgeon, Aug. 18. Off. Ass. Cannan; Sols. Treherne & Co., 17, Gresham-street.—Pet. f. July 31.

BURROUGHS, JOSEPH PEARCE, Canterbury-row, Kennington-road, commission agent, Aug. 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 30.

BURTON, WILLIAM, Holt's-place, Hoxton, farrier, Aug. 19. Off. Ass. Edwards; Sol. Nash, 12, Haberdasher's-place East, Hoxton.—Pet. f. July 28.

CASE, WILLIAM HENRY, John's-mews, and Cockpit-yard, Little James-street, Bedford-row, cab proprietor, Aug. 18. Off. Ass. Cannan; Sol. Orchard, 5, John-street, Bedford-row.—Pet. f. Aug. 1.

DALE, HENRY, Albion-place, Hackney, clerk in the Royal Exchange Insurance Office, Aug. 18. Off. Ass. Cannan; Sol. Watson, 18, Cannon-street, City.—Pet. f. July 30.

EVANS, RICHARD, Cowley, Oxfordshire, builder, Aug. 19. Off. Ass. Edwards; Sols. Sole & Co., Aldermanbury; Mallam & Co., Oxford.—Pet. f. July 23.

GRIFFITHS, RICHARD, Bow-lane, City, trimming manufacturer, Aug. 18. Off. Ass. Cannan; Sols. Harrison & Co., 5, Walbrook.—Pet. f. July 31.

GROVER, THOMAS, Orpington, near Bromley, Kent, market gardener, Aug. 18. Off. Ass. Cannan; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. July 30.

HAINES, WILLIAM DANIEL, Romford, Essex, assistant to a brewery company, Aug. 19. Off. Ass. Edwards; Sol. Hope, 9, Ely-place.—Pet. f. July 28.

KING, CHARLES, New-street, Old-street, coachman, Aug. 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 30.

KING, JOHN, Wilson-street, Finsbury-square, harness manufacturer, Aug. 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 31.

LEVY, HYAM, Lower Marsh, Lambeth, clothier, Aug. 18. Off. Ass. Graham; Sols. Huson & Co., 4, King-street, Cheapside.—Pet. f. June 6.

LYON, WILLIAM THOMAS, Pleasant-place, Lower Tulse-hill, and Loughborough-place, Brixton, plumber, Aug. 15. Off. Ass. Edwards; Sols. Blakeley & Co., 26, Nicholas-lane.—Pet. f. July 31.

M'RAE, GEORGE, Bow-road, Mile-end, nurseryman, Aug. 19. Off. Ass. Edwards; Sols. Evans, 10, John-street, Bedford-row.—Pet. f. July 29.

MARRISON, ROBERT, Norwich, gunmaker, Aug. 19. Off. Ass. Edwards; Sols. Doyle, 2, Verulam-buildings, Gray's-inn; Atkinson, Norwich.—Pet. f. July 30.

MYERS, GEORGE, Bream's-buildings, Chancery-lane, printer, Aug. 18. Off. Ass. Cannan; Sol. Pilsaul, 7, South-square, Gray's-inn.—Pet. f. July 30.

NEWMAN, GEORGIANA, Salisbury-street, Pitt-street, Old Kent-road, out of business, Aug. 19. Off. Ass. Edwards; Sol. Hare, 66, Basinghall-street.—Pet. f. Aug. 1.

ROBERTS, FREDERICK, Three Tun-passage, Newgate-market, licensed victualler Aug. 18. Off. Ass. Cannan; Sol. Lindus, 35, Bedford-row.—Pet. f. July 31.

RUDNICK, ISIDORE, Stratford, Essex, dealer in watches, Aug. 18. Off. Ass. Cannan; Sols. Wood & Co., 4, Coleman-street-buildings.—Pet. f. July 30.

TAYLOR, THOMAS, Hastings, Sussex, fruiterer, Aug. 18. Off. Ass. Stansfeld; Sols. Kingston & Co., 3, Lawrence-lane, Cheapside; Sargent, Hastings.—Pet. f. July 31.

TRACT, CHARLES LUXE, Vale-place, Hammermith, out of business, Aug. 18. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. July 13.

TAKE, CHARLES, Elizabeth-street, Finsloo, watchmaker, Aug. 18. Off. Ass. Cannan; Sol. Cooper, 9, Charing-cross.—Pet. f. July 30.

VAN HARE, GEORGE, Stafford-place, Finsloo, proprietor of an equestrian circus, Aug. 18. Off. Ass. Cannan; Sol. Davies, 9, Union-court, Old Broad-street.—Pet. f. July 31.

WATSON, LEONARD, Rickmansworth, Hertfordshire, whitesmith, Aug. 19. Off. Ass. Stansfeld; Sol. Hare, 66, Basinghall-street.—Pet. f. July 31.

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ADAMS, WILLIAM, Cleobury Mortimer, Shropshire, innkeeper, Aug. 26, Birmingham. Off. Ass. Kinnear; Sols. James & Co., Birmingham.—Pet. f. July 29.

ASHMORE, CHARLES, Birmingham, saddler, Sept. 28, Birmingham. Off. Ass. Guest; Sols. Powell & Co., Birmingham.—Pet. f. July 31.

BERRY, WILLIAM, Warrington, Lancashire, faggar, Aug. 20, Warrington. Off. Ass. Nicholson; Sol. Day, Warrington.—Pet. f. July 29.

BLACK, THOMAS, Haswell-lane, Durham, publican, Aug. 18, Seaham Harbour. Off. Ass. Wright; Sol. Brignal, Durham.—Pet. f. July 28.

BRIER, JOHN, Northwram, near Halifax, farm labourer, Aug. 14, Halifax. Off. Ass. Dyson; Sol. Dyson, York.—Pet. f. July 29.

CHAFFER, JOHN, Blackpool, Lancashire, glass dealer, Aug. 20, Poulton. Off. Ass. Patteson.—Adj. July 15.

CASTLE, THOMAS, Birmingham, baker, Sept. 28, Birmingham. Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. July 30.

DARCE, CHARLES, Weston-super-Mare, Somersetshire, butcher, Aug. 14, Bristol. Off. Ass. Miller; Sols. Chapman, Weston-super-Mare; Bevan & Co., Bristol.—Pet. f. July 30.

DAVENPORT, WILLIAM, Liverpool, grocer, Aug. 18, Liverpool. Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. July 30.

FLETH, JOHN, Aberdare, Glamorganshire, collier, Aug. 18, Aberdare. Off. Ass. Rees; Sol. Ennor, Cardiff.—Pet. f. July 18.

HOWARTH, GEORGE, Hulme, Manchester, provision dealer, Aug. 31, Manchester. Off. Ass. Hernaman; Sol. Swan, Manchester.—Pet. f. Aug. 1.

INER, JOHN, Bridgwater, Somersetshire, gardener, Aug. 19, Bridgwater. Off. Ass. Lovibond; Sol. Carlake, Bridgwater.—Pet. f. July 30.

JOLLY, DAVID, Bradford, Yorkshire, grocer, Aug. 21, Bradford. Off. Ass. Robinson; Sols. Terry & Co., Bradford.—Pet. f. July 31.

JONES, JAMES, St. Andrew, Worcestershire, huckster, Aug. 18, Worcester. Off. Ass. Hill; Sol. Wilson, Worcester.—Pet. f. July 22.

JONES, WILLIAM, Swansea, Glamorganshire, out of business, Aug. 17, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. July 29.

KING, SOLOMON, Penzance, Cornwall, jeweller, Aug. 12, Penzance. Off. Ass. Davies; Sol. Boyns, Penzance.—Pet. f. July 28.

KIRKLAND, JOHN, Tickhill, Yorkshire, watchmaker, Aug. 15, Doncaster. Off. Ass. Mason; Sol. Woodhead, Doncaster.—Pet. f. July 15.

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HOSFIELD, CARL HEINRICH, Palace-road, Lambeth, out of business, Aug. 25. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. Aug. 5.

JOHNSON, SAMUEL, Leadenhall-street, City, and Buckhurst-hill, Woodford, commercial clerk, Aug. 19. Off. Ass. Edwards; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Aug. 1.

LANGTRY, JAMES, Napier-terrace, Bow Common-road, out of business, Aug. 25. Off. Ass. Cannan; Sol. Peverley, 19, Coleman-street.—Pet. f. Aug. 5.

MACNAMARA, JOHN, Brixton, Surrey, clerk in the Inland Revenue, Somerset-house, Aug. 19. Off. Ass. Edwards; Sol. Jukes, 19, Basinghall-street.—Pet. f. Aug. 3.

MARTIN, ROBERT, Lower Park-road, New Peckham, licensed victualler, Aug. 19. Off. Ass. Edwards; Sol. Pook, 27, Basinghall-street.—Pet. f. July 31.

MINTY, WILLIAM MARK, York-road, Lambeth, plumber, Aug. 19. Off. Ass. Edwards; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Aug. 3.

MITSON, SAMUEL, West Green, Tottenham, corddealer, Aug. 19. Off. Ass. Edwards; Sol. Beard, 10, Basinghall-street.—Pet. f. Aug. 5.

MORRIS, EDWARD, Baring-street, New North-road, Islington, engineer, Aug. 25. Off. Ass. Cannan; Sol. Forsyth, 10, Lombard-street.—Pet. f. Aug. 6.

MURRAY, WILLIAM ROBERT, Exeter Hall Hotel, Strand, in no trade, Aug. 25. Off. Ass. Cannan; Sols. Pain & Co., 2, New-inn, Strand.—Pet. f. Aug. 3.

PAULINE, CAROLINE, Princes-street, Hanover-square, milliner, Aug. 25. Off. Ass. Cannan; Sol. Richardson, 15, Old Jewry-chambers.—Pet. f. Aug. 4.

STEARMAN, THOMAS STEPHEN, Aldershot, Southampton, ironmonger, Aug. 25. Off. Ass. Cannan; Sol. White, 8, Dane's-inn, Strand, and Guildford.—Pet. f. Aug. 2.

STRUTT, GEORGE, Havelock-terrace, Meeting-house-lane, Peckham, builder, Aug. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 5.

ULLMANN, JOSEPH, Oxford-street, general merchant, Aug. 19. Off. Ass. Edwards; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. Aug. 3.

VERNON, CHARLES, Wimbledon, Surrey, cowkeeper, Aug. 19. Off. Ass. Edwards; Sol. Davies, 9, Union-court, Old Broad-street.—Pet. f. Aug. 1.

WILLSMER, GEORGE, Lewisham-road, Kent, carpenter, Aug. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 5.

WOOLLEY, JAMES, Kettering, Northamptonshire, draper, Aug. 25. Off. Ass. Cannan; Sols. Sherwood, Wellingborough; Sowton, 6, Great James-street, Bedford-row.—Pet. f. Aug. 3.

*To be heard in the Country.*

ALLEN, JAMES, Runcom Gap, within Widnes, Lancashire, grocer, Aug. 19, St. Helena. Off. Ass. Ansell; Sol. Barrow, St. Helena.—Pet. f. Aug. 1.

ASPIN, JAMES, and WARD, WILLIAM, Blackburn, Lancashire, cotton manufacturers, Aug. 21, Manchester. Off. Ass. Pott; Sols. Crowther & Co., Manchester.—Pet. f. Aug. 3.

BATNE, EDWIN EMANUEL BATES, Bristol, cordwainer, Sept. 4, Bristol. Off. Ass. Harley; Sol. Reper, Bristol.—Pet. f. Aug. 4.

BOTWOOD, BERNARD, Bridgnorth, Shropshire, hairdresser, Aug. 21, Bridgnorth. Off. Ass. Smith.—Adj. July 16.

BOWDEN, WILLIAM, Barnstaple, Devonshire, gardener, Aug. 18, Barnstaple. Off. Ass. Bancraft; Sol. Broomham, Barnstaple.—Pet. f. Aug. 5.

CHERTHAM, SAMUEL, Wharfedale-side-green, near Sheffield, labourer, Aug. 20, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. Aug. 4.

CRAYNE, JOHN, Harrogate, Yorkshire, carter, Aug. 26, Knaresborough. Off. Ass. Gill; Sol. Harle, Leeds.—Pet. f. Aug. 5.

DAVIES, THOMAS, Aberystwyth, Cardiganshire, grocer, Aug. 21, Bristol. Off. Ass. Accraman; Sols. Thomas, Aberystwyth; Brittan & Co., Bristol.—Pet. f. Aug. 5.

EYRE, JOSEPH, Derby, mail contractor, Aug. 19, Derby. Off. Ass. Walker; Sol. Leach, Derby.—Pet. f. Aug. 4.

FOX, HOWARD BURN, Liverpool, commission agent, Aug. 26, Liverpool. Off. Ass. Morgan; Sols. Anderson & Co., Liverpool.—Pet. f. Aug. 4.

HENNESSY, JOSEPH RICHARD, Birmingham, chemist, Aug. 24, Birmingham. Off. Ass. Whitmore; Sols. Knight & Co., Birmingham.—Pet. f. Aug. 5.

HERBERT, WILLIAM, Crickhowell, Breconshire, labourer, Aug. 20, Crickhowell. Off. Ass. Davies; Sol. Davies, Crickhowell.—Pet. f. July 28.

KAUFMANN, SAMUEL KALMAN, Newcastle-upon-Tyne, teacher to a Jewish school, Aug. 26, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Aug. 4.

KIDD, GEORGE HENRY, Leamington, Warwickshire, bookkeeper, Aug. 21, Warwick. Off. Ass. Tibbitts; Sol. Kilby, Banbury.—Pet. f. July 6.

LEE, JOHN, Pilton, Devonshire, wood turner, Aug. 18, Barnstaple. Off. Ass. Bancraft; Sol. Bancraft, Barnstaple.—Pet. f. Aug. 4.

LINDLEY, JAMES, Shrewsbury, Shropshire, fishmonger, Sept. 7, Shrewsbury. Off. Ass. Peels; Sol. Davies, Shrewsbury.—Pet. f. Aug. 1.

LOWE, THOMAS SIMMON HARRIS, Birmingham, gasfitter, Sept. 29, Birmingham. Off. Ass. Guest; Sol. Sargent, Birmingham.—Pet. f. Aug. 4.

LUSTY, HENRY, Bristol, out of business, Sept. 4, Bristol. Off. Ass. Harley; Sol. Hill.—Pet. f. Aug. 3.

M'DONALD, ALLAN, Everton, near Liverpool, general merchant, Aug. 19, Liverpool. Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. July 30.

MARSH, SAMUEL, Glastonbury, Somersetshire, butcher, Aug. 19, Wells. Off. Ass. Lovell; Sol. Bulleid, Glastonbury.—Pet. f. Aug. 5.

MAWBY, THOMAS, Liverpool and Nottingham, warehouseman, Aug. 19, Nottingham. Off. Ass. Harris; Sol. Maples, Nottingham.—Pet. f. July 20.

PAGE, JOHN, Tavistock, Devonshire, shoemaker, Aug. 18, Barnstaple. Off. Ass. Bancraft; Sol. Bancraft, Barnstaple.—Pet. f. Aug. 4.

POLLARD, JAMES, Halifax, Yorkshire, beer retailer, Sept. 25, Halifax. Off. Ass. Dyson; Sol. Holroyd, Halifax.—Pet. f. Aug. 5.

PRESTON, ROBERT, Great Bolton, Lancashire, butcher, Aug. 19, Bolton. Off. Ass. Holden; Sol. Edge, Bolton.—Pet. f. Aug. 3.

QUARTERMAN, GEORGE, Bicester, Oxfordshire, watchmaker, Aug. 19, Bicester. Off. Ass. Stone; Sol. Mills, Bicester.—Pet. f. Aug. 3.

QUICK, ROBERT, Hove, Sussex, fencing master, Aug. 26, Brighton. Off. Ass. Evered; Sol. Mills, Brighton.—Pet. f. Aug. 4.

SANSON, WILLIAM, Coventry, ribbon manufacturer, Aug. 21, Birmingham. Off. Ass. Whitmore; Sols. Hodgson & Co., Birmingham.—Pet. f. Aug. 3.

STARK, WILLIAM, Bristol, carpenter, Sept. 4 (and not Aug. 14, as previously advertised), Bristol. Off. Ass. Harley; Sol. Shipston, Bristol.—Pet. f. Aug. 1.

TOWNSEND, CHARLES, Birmingham, surgeon, Aug. 26, Birmingham. Off. Ass. Kinnear; Sols. Hodgson & Co., Birmingham.—Pet. f. Aug. 1.

VINCENT, GEORGE, Mistley, Essex, blacksmith, Aug. 18, Harwich. Off. Ass. Chapman; Sol. Whitcombe, Colchester.—Pet. f. July 30.

WALKER, GEORGE, Eccleston Mills, near St. Helena, Lancashire, miller, Aug. 19, St. Helena. Off. Ass. Ansell; Sol. Marsh, St. Helena.—Adj. March 12.

WALLIS, RICHARD, Liverpool, provision dealer, Aug. 18, Liverpool. Off. Ass. Turner; Sols. Toulmin & Co., Liverpool.—Pet. f. Aug. 3.

WHITHEAD, JAMES, Wymondham, Norfolk, tailor, Aug. 20, Wymondham. Off. Ass. Feltam; Sol. Sudd, Norwich.—Pet. f. July 23.

WINTERBOTTOM, JAMES, Lees, near Oldham, Lancashire, tin-plate worker, Sept. 3, Ashton-under-Lyne. Off. Ass. Worthington; Sol. Rawlinson, Manchester.—Pet. f. Aug. 4.

WOOD, THOMAS WATSON, Bishopwearmouth, Durham, furniture dealer, Aug. 19, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. M'Nee, Sunderland.—Pet. f. Aug. 4.

## BANKRUPTCY ANNULLED.

WOMBWELL, ELIZABETH, Highbury-park, Highbury, waitress.

## TUESDAY, Aug. 11.

## BANKRUPTS.

*To be heard in London.*

ARNOLD, ARTHUR, Faversham, Kent, grocer, Aug. 25. Off. Ass. Cannan; Sol. Mote, 35, Bucklersbury.—Pet. f. Aug. 7.

BLANCONI, CHARLES, Bedford, Sussex, gentlemen, Aug. 25. Off. Ass. Cannan; Sols. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. Aug. 6.

BOX, SARAH, Ilford, Essex, widow, Aug. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 6.

BURNINGHAM, JOHN, Farnham, Surrey, baker, Aug. 26. Off. Ass. Edwards; Sol. White, Guildford, and 8, Dane's-inn, Strand.—Pet. f. Aug. 7.

BURT, GEORGE, Salisbury, Wiltshire, whitesmith, Aug. 25. Off. Ass. Cannan; Sols. Bothamley & Co., 39, Coleman-street.—Pet. f. Aug. 8.

LEARMONTH, WILLIAM, Ellington-street, Liverpool-road, Islington, messenger to the Lord Chancellor, Aug. 26. Off. Ass. Edwards; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Aug. 5.

LOBBETTE, CHARLES LOUIS TRIMOT, Aldermanbury, and Packington-street, Islington, printer, Aug. 25. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. Aug. 8.

MEAD, WILLIAM, Linslade, near Leighton Buzzard, Buckinghamshire, builder, Aug. 26. Off. Ass. Edwards; Sols. Sols & Co., 3 and 4 Aldermanbury.—Pet. f. Aug. 3.

MURPHY, JOSEPH HENRY, Tooley-street, Southwark, out of business, Aug. 26. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 5.

[For continuation of Gazette, see p. 295.]

CONTENTS.

London Gazette.....	290
Leading Article .....	291
Review .....	292
The Lord Chancellor's Plan for Digesting, by a Commission, the Common Law of England .....	293
Kennedy v. Broun—The Swinfen Case .....	294
Statutes passed during the late Session of Parliament.	

NAMES OF THE CASES REPORTED.

PRIVY COUNCIL.

By R. BULLOCK, Barrister at Law.

The Rev. William Long, Clerk, App., The Right Rev. Robert Gray, Lord Bishop of Cape Town, Cape of Good Hope, Resp.—( <i>Colonial church discipline—Bishop—Authority—Incumbent—Synod—Power to convene—Liability to attend—Disobedience—Suspension—Deprivation</i> ) .....	805
--	-----

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Ex parte</i> Downman, in re Downman.—( <i>Bankruptcy—Order of discharge—“Rash and hazardous speculation”—24 &amp; 25 Vict. c. 134, s. 159</i> ) .....	811
In re The British Provident Life and Fire Insurance Society, <i>ex parte</i> Coleman.—( <i>Public company—Winding up—Contributory—Deed of settlement—Execution of—Status of shareholder incomplete</i> ) .....	813

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Slee and Slee v. The Mayor, Aldermen, &c. of Bradford, Yorkshire.—( <i>New buildings in a street, setting back line of—Local Government Act—By-laws of town council—Public Health Act—Towns Improvement Clauses Act—Town council, approval by committee of—Local board of health, powers of—Injunction</i> ) .....	815
--	-----

COURT OF QUEEN'S BENCH.

By C. W. LOVEST, Barrister at Law.

<i>Ex parte</i> Hayward.—( <i>Justices—Summary convictions—Return of, to clerk of peace—Mandamus to clerk of justices—11 &amp; 12 Vict. c. 43, s. 14</i> ) ..	820
Reg. v. The Overseers of the United Parishes of St. Mary and St. Andrew, Whittlesey.—( <i>Sick pauper—Permanent disability—Order of removing justices—Appeal—9 &amp; 10 Vict. c. 68, s. 4</i> ) .....	820

By H. HOLROYD, Barrister at Law.

The Overseers of the Poor of the Township of Salford, Apps., The Overseers of the Poor of the Township of Manchester, Resps.—( <i>Order of removal—Costs of relief—Maintenance—Statute whether retroactive or not—9 &amp; 10 Vict. c. 68, and 24 &amp; 25 Vict. c. 55</i> ) .....	821
---	-----

COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

The Duke of Beaufort v. The Earl of Ashburnham.—( <i>Costs—Preparation of briefs—Examination of sick person—Expert—Short-hand writer's notes at trial</i> ) .....	822
Cook and Another v. Lister.—( <i>Bill of exchange—Accommodation bills—Part payment by drawer to indorsee—Proportionate reduction in action against acceptor</i> ) .....	823

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Geers v. C. J. Mare.—( <i>Illegality—Fraudulent preference—Remoteness</i> ) .....	827
---	-----

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNST BROWNING, Barrister at Law.

Davies v. Davies and Hughes.—( <i>Dissolution of marriage—Discretionary bar—20 &amp; 21 Vict. c. 85, s. 31</i> ) .....	828
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THE JURIST.

LONDON, AUGUST 15, 1863.

THE case of *Wallace v. Auldjo*, which we have already noticed on two former occasions, has been heard by the Lords Justices on appeal from Sir R. T. Kindersley, V. C., and they have affirmed his Honor's decree; we may, therefore, consider it to be now settled, unless the question should be discussed before a higher court of appeal, that where a woman files a bill, expressly claiming a right to a settlement of her own property as against her husband, if she dies before obtaining a decree, her children, although she may never have waived her right, will not be able, by taking subsequent proceedings, to obtain such a settlement in their favour, to which, had their mother not died, they would clearly have been entitled.

The Vice-Chancellor, in his judgment, disclaimed the idea of deciding the question upon principle; he decided it solely upon the practice of the Court. Upon an examination, however, of the cases relied upon by his Honor, we did not think, and we still do not think, that the practice of the Court upon the point was by any means settled; in fact, that it was open to discussion, and that it was precisely one of those cases where a judge was at liberty to extend a most beneficial doctrine of equity, in a manner against which no one could justly complain.

In giving judgment, Sir J. L. Knight Bruce, L. J.,

said, "Assuming that if the wife had in her lifetime prosecuted the cause to a hearing, she might have obtained a decree, I think that all possible benefit of the suit was lost by her death—that the rights of the husband then became, to all intents and purposes, the same as if the suit had not existed. *Judicial opinions have not been uniform on this point; but reason and analogy, as well as the balance of authority, appear strongly in accordance with this view.*"

Sir G. J. Turner, L. J., after stating that he had read the cases cited, and the judgment of the Vice-Chancellor, and that he agreed with his opinion, said—"It was attempted to distinguish the case on the ground that, the bill having been filed by a wife in her lifetime, the discretion of the trustees was thereby taken away. Whether that were so or not, I can find no satisfactory answer to the argument that there is nothing to bind the rights of the husband until the decree."

Whether the decree of the Court of Appeal be right or wrong, it is to be regretted, that in a case where one of the judges admitted that "judicial opinions had not been uniform" upon the point under discussion, that he should not by a close examination of the authorities have shewn "that the balance of authority was strongly in favour of the view" taken by the Court. Much also is it to be regretted that the learned judge should simply have contented himself with asserting, "that reason and analogy were strongly in accordance with the same view," without shewing in what manner reason and analogy really supported the opinion

which he expressed. And this would have been especially desirable, if possible, inasmuch as the learned judge who so efficiently presides over the Court below, as we have before observed, asserted that the point could not be satisfactorily solved upon principle, but must be decided solely upon practice.

The united acumen and industry of the learned judges of the Court of Appeal might, perhaps, by a critical examination of the cases, have shewn that the balance of authority was in their favour, and that the point as decided by them might be justified by principle, and supported by the analogy of other decisions, and even by reason. The legal world, however, have only been favoured by the result arrived at by the learned judges (no doubt after a careful examination of the subject), but without being admitted to observe the process by which that result was attained.

The consequence of the judgment of the Lords Justices in *Wallace v. Auldjo* is, that the equity of the children is made to depend upon a mere accident. We have all heard that in early times the jealousy of the professors of common law attributed so much uncertainty to the administration of equity, that the learned Selden ventured to assert, that it proceeded upon a standard as liable to variation as that of the Chancellor's foot—a most uncertain measure he with truth alleged—as “one Chancellor has a long foot, another a short foot, a third an indifferent foot.”

The decision of the Vice-Chancellor and the Lords Justices places the rights of the children of a married woman who claims an equity to a settlement in a similar state of uncertainty.

The time when a decree may be obtained by a mother filing a bill for a settlement depends upon a variety of circumstances; amongst others may be mentioned the speed with which the judge may proceed, the time of the year in which the bill is filed, the duration of other causes.

Suppose A. B., a married woman, having filed a bill claiming a settlement for herself and her children, has the misfortune, perhaps by a transfer, to have her cause set down in the court of a judge before whom proceedings are conducted with greater deliberation than speed, her death might well occur before a decree could be obtained; whereas, if the cause had been attached to the court of another judge, a decree might have been had, and the rights of the children preserved. In these days also, a few long patent jury cases might be equally fatal to the fortunes of the children. This shews the absurd result of the decision of *Wallace v. Auldjo*.

We still think that the only true principle upon which cases similar to *Wallace v. Auldjo* should be decided is this—that the equity of the wife and the children should be considered to attach not merely upon a decree for a settlement being obtained, but upon the wife unequivocally announcing her option to have a settlement, rather than that her fortune should be handed over to her husband, whether such option be shewn by her demand for a settlement in a bill in which she herself is plaintiff, or by her answer to a bill filed by another person, with reference to the property out of which she claims a settlement.

## Reviews.

*A Manual of the Laws affecting the Qualifications and Registration of Parliamentary Voters in Counties, Cities, and Boroughs: with the Practice of the Revising Courts on Objections, Costs, and other Matters, including the Duties of Clerks of the Peace, Town Clerks, Overseers, &c., and a Digest of all the Cases decided on Appeal; to which are added an Appendix of Statutes, and a full Index. By EDWARD BRETHERTON, Attorney-at-Law. London, 1863. [H. Sweet.]*

THE registration season being now approaching, the appearance of the present work is well timed. It must not, however, be looked on as a systematic treatise on registration law; for, as Mr. Bretherton expressly informs us in his Preface, “It is not intended, or for one moment anticipated, that this publication will supersede the more elaborate works of Elliott, Rogers, and others, on the same subject. Those are for study in the chamber—a labour preliminary to the application in court of the principles they enunciate.” We regret this, for an able work on registration would be very desirable. The last edition of the excellent treatise of Mr. Elliott bears date as far back as 1843, previous to the Registration of Voters Act (6 & 7 Vict. c. 18), while the Supplement by Mr. Power was published in 1847; and although the subject is well treated in Mr. Rogers's Law and Practice of Elections, Election Committees, and Registration, the last edition of which comes down so late as 1859, it only occupies 182 pages out of a work consisting of 595.

The object of the present work, Mr. Bretherton declares to be, “to collate those leading points of law and practice that ordinarily present themselves for consideration in the registration courts.” His Preface contains some strictures on the system of registration in general, and the Registration of Voters Act. Thus, he recommends that the appointment to the office of revising barrister should be *for life*, and in the nomination of the judges of the Court of Common Pleas in rotation—a proposition which appears to us extremely questionable, especially if no power were reserved to transfer revising barristers from one district to another. One of Mr. Bretherton's positions, however, with which it would be difficult to quarrel, is that where he tells us that the person trusted with the arbitrary authority of final decision which the law reposes in revising barristers, “should not only be of ripe judgment and experience, but, from position in his profession, above every political or other influence.”

The author also observes, with considerable truth, “Another important subject requiring consideration, is the desirability of securing more uniform decisions as to notices, amendments, production of documents, costs, and other matters of a similar character, ordinarily grouped under the term ‘points of practice.’ The present unsettled state of practice in the revision courts, varying as it does with each newly-appointed revising barrister, is a cause of grave complaint, and of much useless and unnecessary annoyance.” He likewise thinks the provisions made by law respecting the allowance of costs to parties attending the registration courts deficient.

Having been, as he informs us, an advocate for twenty years in the registration courts, the suggestions of Mr. Bretherton are entitled to attention. We wish he had given us more of them, and, in particular, that he had touched on the vexatious question of the right of overseers to withdraw their objections.

The work is divided in Seven Parts.

**PART I.—REGISTRATION.**—Registration Table<sup>c</sup>.—2. Observations on Registration. Digest of Cases.

**PART II.—COUNTY QUALIFICATIONS.**—1. Qualification Table for Counties.—2. Observations on Estates and Interests conferring County Qualifications which have been Subject-matters of Appeal. Digest of Cases.

**PART III.—CITY AND BOROUGH QUALIFICATIONS.**—1. Analytical Table of 101. Householdors' Qualifications conferring City and Borough Votes.—2. Observations on the Nature of Qualifications conferring Votes for Cities and Boroughs. Digest of Cases.

**PART IV.—PERSONAL DISQUALIFICATIONS OF ELECTORS.**—1. Observations on the Personal Disqualifications of Electors. Digest of Cases.

**PART V.—APPEALS.**—1. Observations on Appeals. Digest of Cases.

**PART VI.—DUTIES OF REVISING BARRISTERS AND OFFICERS CONNECTED WITH THE PREPARATION AND COMPLETION OF THE REGISTER OF VOTERS FOR COUNTIES, CITIES, AND BOROUGH UNDER 6 VICT. CAP. 18.**

**PART VII.—SUGGESTED GROUNDS FOR OBJECTIONS AGAINST PARTIES ON THE REGISTER; PUBLICATION OF THE SEVERAL LISTS; AND DIGEST OF CASES DECIDED IN MICHAELMAS TERM, 1862.**

The work concludes with an Appendix of the Statutes referred to.

## THE LORD CHANCELLOR'S PLAN FOR DIGESTING, BY A COMMISSION, THE COMMON LAW OF ENGLAND.

THE following is taken from *The Solicitors' Journal* of the 1st August. It is given to the Profession by a contemporary as "communicated," an expression which we presume must be understood to mean emanating from some parties in authority:—

"The Lord Chancellor's speech on the revision of the law has elicited a strong expression of opinion against giving to commissioners direct powers of codification—that is to say, powers which would enable them to alter *brevi manu* the law of England, or any part of it. That law is a matured system—the growth of centuries. It may have defects, but these are not to be cured by a coup de main, or by the legislation of a board. The example of foreign countries and of despotic governments is no rule for England, especially if the end sought can be otherwise accomplished.

"Lord Cranworth has remarked that the bulk of English law is 'well settled.' And it must be owned that after hearing counsel the judges rarely disagree in pronouncing their decision. A suit makes the law transparent. But, until tried forensically and judicially, it is often unknown, and almost always uncertain. It exists, indeed, but the difficulty is to find it out and make sure of it. Searches painful and laborious result in an attempted reconciliation of innumerable precedents—many of them obscure and contradictory, and all of them dispersed. The Lord Chancellor thinks that these should be examined carefully by a royal commission. He proposes to deduce the law from them, and to set it forth in order. He hopes to

make a perpetual reference to 1200 volumes of reports unnecessary. There is in this, we think, nothing to alarm or beget jealousy. To alter the law will not be within the scope of the commission. It will not interfere with the current reports, and it seems scarcely necessary to say that it will not invade copyright.

"High opinions are divided on the question of *code* or *digest*. Sir Samuel Romilly was for a code, as appears by the valuable article in the *Edinburgh Review*, of 1817—the last production of his pen. The profound jurist, Mr. Austin, was strongly for a code. His second and third volumes are full of wise and cautious suggestions. Lord Lyndhurst is for a digest. Lord Brougham is, or was, for a code. Lord Campbell was ultimately for a code, and came to regard it as almost a necessity. Lord Cranworth would be for a code if we could get 'a perfect one'—a thing of course unattainable. Lord St. Leonards holds that the Exchequer Chamber or House of Lords must do the work, which seems but another way of saying that it is impracticable. Lord Kingsdown thinks a code would be liable to change, for that Parliament would alter it every session, but he has not said that a digest would be preferable. The Lord Chancellor is of opinion that 'it is to the form of a code that the law of any advanced nation ought ultimately to be reduced.'

"Here, then, we have Sir Samuel Romilly, Mr. Austin, Lord Brougham, Lord Campbell, and the Lord Chancellor opposed, with more or less qualification, to Lord Lyndhurst, Lord Cranworth, Lord St. Leonards, and Lord Kingsdown. But it may be doubted whether the differences which subsist between the law peers are not rather verbal than substantial. An accurate and safe enunciation of English law would probably receive the approbation of them all; and whether we should call it code or digest seems not very material. No digest could be promulgated without arrangement; and what, it may be asked, is an arranged digest but a code?

"It would seem that the execution of the work (by whatever name we call it) must be cautious and progressive; beginning with those parts of the law which, though unarranged, are, to use Lord Cranworth's expression, 'well settled,' and advancing afterwards as the law itself advances, and as the tempter of the public mind accompanies it. A systematic digest or incipient code might thus be prepared, consisting of text and notes (with references to the authorities)—the text setting forth the law so far as 'well settled' at the date of its publication; the notes pointing out its blemishes and its defects. Such an incipient code—brought out, after great deliberation, by a commission including the Lord Chancellor and other high functionaries and ex-functionaries—would be of instant value to the practising lawyer and to the judges, besides proving highly acceptable to the public at large. It would give confidence to legal opinions, and prevent litigation in many cases where counsel, after balancing authorities, advise dubiously a suit or a defence. It would gradually supersede the anterior law reports, the burthen of which has lately been pronounced 'overwhelming.' In truth, this seems the only rational way of undermining the empire of old precedents. Story affirms that the best mode of attaining this end is by a 'gradual digest of those parts of the law which shall from time to time acquire scientific accuracy.'

"The incipient code, with its notes, being submitted to Parliament and the country generally, the next duty of the commissioners would be to receive from all proper quarters opinions and suggestions respecting it. Questions would be drawn up and circulated, inviting responses; and witnesses, if necessary, might be examined orally. The information thus collected

\* This Table is compiled from the Registration of Voters Act, and promises to be useful, as well as some other Tables to be found in the work, e. g. that at p. 88, of "Yearly rents calculated at weekly payments."

would be arranged and printed for general circulation. Thus the whole nation would be gradually made familiar with our jurisprudence, not omitting those parts of it which might require emendation.

"It may be said that the scheme here propounded would be tedious, and trying to the patience of the public. The want of despatch, however, would be counterbalanced by advantages of greater value."

### KENNEDY v. BROUN—THE SWINFEN CASE.

ANOTHER scene has been added to the Swinfen affair. It seems, that in addition to his recent action against Mrs. Broun (formerly Swinfen) to recover 20,000*l.* as compensation for his services as her advocate in the various steps of the cause of *Swinfen v. Swinfen*, Mr. Kennedy had induced that lady to execute a deed in his favour for the like sum, founded on the same consideration. This deed Mrs. Broun took proceedings in equity to impeach, and on the 31st July the following judgment is reported to have been given by the Master of the Rolls, after an argument in which Mr. Cole and Mr. Kay were heard on the part of the plaintiff, and Mr. Kennedy was heard in person in his own cause:—

"His Honor said that he had given the most anxious consideration to this case, which was remarkable in every point of view. The object of the suit was to set aside a voluntary deed, on the ground that it was executed under undue influence; and the defence was, that meritorious services were the foundation of the deed, which a subsequent alteration in the mind of the donor could not obliterate or impugn. It could not be denied, that the defendant had rendered Mrs. Swinfen the most essential services in the prosecution of her rights; that his labour in her cause had been of no common nor ordinary character; that Mrs. Swinfen had expressed towards him the warmest gratitude, and recorded her sense of his having 'nobly won her cause.' The position of the parties was an anomalous one, and there was no doubt that a very great friendship had existed between them from the year 1856 to 1858; Mr. Kennedy during that time devoting himself, both as a legal adviser and a friend, to Mrs. Swinfen's interest with the most earnest assiduity. Mr. Kennedy not only performed the duties of an advocate for Mrs. Swinfen in the legal prosecution of her rights, but he had also written a pamphlet for her, which she acknowledged had been of the greatest service towards the furtherance of her success. In looking at such a case as the present, the Court must consider the relative position of the parties, and the many other remarkable incidents with which the case was enveloped. A deed of gift executed by a lady in favour of a gentleman to whom she was under so great obligation, and by whom she would naturally be greatly influenced, must be regarded with much the same jealousy as our Courts are wont to view deeds of a similar character when executed by a daughter in favour of her father, or a wife in favour of her husband. Under all the circumstances detailed in the evidence, it was clear, that at the time Mrs. Swinfen executed the deed in question in favour of Mr. Kennedy, she was so far under his influence that she had no power to resist the appeal made to her, or to refuse compliance with Mr. Kennedy's request to execute such a deed. This influence existed not only at the time of executing this deed, but afterwards, and apparently up to the time when she began to contemplate a second marriage. But then it was said that this deed ought to be sustained, because there were, in addition to the meritorious ser-

vices spoken of, accounts stated between the parties to fully cover the value of the advantages receivable under the deed; but, on this part of the case, the Court concurred in the judgment of the Court of Common Pleas as to a counsel not being allowed to sue for his fees. As to what had been urged on the plea of 'moral obligation,' the Court would refrain from going into Mr. Kennedy's private relations in support of such a plea, on the ground, that if the averments made by him were true, they would only confirm the conviction that Mrs. Swinfen had executed the deed while under undue influence; and if they were not true, the Court could not find words to express the reprobation with which it must regard the defendant's conduct. The feelings of bitterness and animosity which had been evidenced in the course of the present suit afforded a most unhappy instance of how often the depth of former friendship, when rudely interrupted, is only to be measured by the vehement animosity of its abrupt termination. On the most careful consideration of all the circumstances, the Court was of opinion that the deed of May, 1859, was obtained from Mrs. Swinfen under overpowering, and therefore undue, influence; that such deed could not be supported in any point of view; that Mr. Kennedy must give the deed up to be cancelled; and that he must reconvey the property, and pay the costs of the suit."

Beyond an expression of deep regret at seeing a man of Mr. Kennedy's undoubted talents and learning cut such a figure, it is impossible to feel interest or sympathy in either of the parties to this disgraceful proceeding.

We regret to announce the decease of Sir F. W. Slade, Bart., Q. C., one of the leaders of the Western Circuit. The particulars are given as follows in *The Times* of the 11th instant, in its circuit intelligence, under the head Wells, August 10:—"A heavy gloom has been thrown over this circuit, in consequence of a special messenger having arrived in this city yesterday morning with intelligence that Sir F. W. Slade had died in his bed. The learned counsel had conducted a case in the Nisi Prius Court here on Friday, with his usual vigour and ability, and apparently in robust health. Having concluded his day's work, he retired to his country seat at Maunsel, near Bridgewater; in the evening he complained of fatigue, and on Saturday morning he called in a medical friend, but there was not much the matter. He went to bed rather early on Saturday night, and about eleven o'clock Lady Slade, who was by his side, discovered that he had ceased to exist. As far as we have at present heard, his death was caused by apoplexy."

According to newspapers supposed to be in the confidence of the Government, Sir James Plaistead Wilde, Knt., one of the Barons of the Exchequer, will succeed the late Sir Cresswell Cresswell as Judge of the Court of Probate and Judge Ordinary of the Court of Divorce and Matrimonial Causes.

MEMBER RETURNED TO SERVE IN PARLIAMENT.—Sir Colman Michael O'Loghlen, Bart., of Drumconora, in the county of Clare, one of her Majesty's Counsel, for the county of Clare, in the room of Francis McNamara Calcutt, Esq., deceased.

COMMISSIONER TO ADMINISTER OATHS IN COMMON LAW.—Frederick West, Gent., of No. 3, Charlotte-row, Mansion House, in the City of London, has been appointed a London Commissioner for administering oaths in Common Law in the Courts of Queen's Bench, Common Pleas, and Exchequer.

NYE, SAMUEL, Little Tower-street, City, licensed victualler, Aug. 26. Off. Ass. Edwards; Sol. Pook, 27, Basinghall-street.—Pet. f. Aug. 5.

PETNICK, WILLIAM HENRY, Waverley-road, Harrow-road, plasterer, Aug. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 6.

PILOTTI, ALEXANDER, Princess-street, Hanover-square, professor of music, Aug. 26. Off. Ass. Edwards; Sol. Richardson, 15, Old Jewry-chambers.—Pet. f. Aug. 4.

PRESCOTT, THOMAS WILLIAM TOTTENHAM, Elm Tree-road, St. John's-wood, in no profession, Aug. 26. Off. Ass. Edwards; Sol. Holt & Co., Quality-court, Chancery-lane.—Pet. f. Aug. 6.

SANDERSON, JAMES, Mortimer-road, Kingland, and Great Sutton-street, Clerkenwell, dressing-case maker, Aug. 26. Off. Ass. Edwards; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. Aug. 6.

SEWELL, GEORGE EDWARD, Fitzroy-place, Kentish-town, manager to a refreshment-house keeper, Aug. 26. Off. Ass. Edwards; Sol. Peverley, 19, Coleman-street.—Pet. f. Aug. 5.

SHARP, THOMAS, Palmer's-green-road, Colney-hatch, carpenter, Aug. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 4.

SMITH, THOMAS, Canterbury, victualler, Aug. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. July 22.

SHADDOX, JOSEPH, High-street, Uxbridge, out of business, Aug. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 4.

STEADMAN, THOMAS, Shoreham, Sussex, baker, Aug. 25. Off. Ass. Cannan; Sol. Nichols & Co., 9, Cook's-court, Lincoln's-inn; Goodman, Brighton.—Pet. f. Aug. 1.

TURNER, EDWARD JOHN, Victoria-terrace, New-cross, Kent, and Coleman-street, City, accountant, Aug. 26. Off. Ass. Edwards; Sol. Chidley, 25, Old Jewry.—Pet. f. Aug. 8.

WILDER, HENRY ATKINSON, Maidstone, Kent, attorney-at-law, Aug. 26. Off. Ass. Edwards; Sol. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. July 31.

WOODROOF, SUMNERSON, Union-place, Lower-road, Islington, dealer in corn, Aug. 26. Off. Ass. Edwards; Sol. Atkinson & Co., 51, Bedford-row.—Pet. f. Aug. 4.

*To be heard in the Country.*

BOLTON, JOHN, Lostock Gralan, near Knutsford, Cheshire, and Sheffield, Yorkshire, cheese dealer, Aug. 27, Manchester. Off. Ass. Herniman; Sol. Barclay, Macclesfield.—Pet. f. Aug. 6.

BOOKE, JOSEPH, Hulme, Lancashire, teacher of languages, Aug. 22, Salford. Off. Ass. Hulston; Sol. Slater & Co., Manchester.—Pet. f. Aug. 6.

BOWERS, ELI, Stafford, baker, Aug. 24, Stafford. Off. Ass. Spilsbury; Sol. Bowen, Stafford.—Pet. f. Aug. 6.

BRADLEY, CHARLES, Doncaster, Yorkshire, cabinet maker, Aug. 20, Doncaster. Off. Ass. Mason; Sol. Woodhead, Doncaster.—Pet. f. Aug. 6.

BRISTON, WILLIAM MATTHIAS, Oystermouth, Glamorganshire, printer, Aug. 24, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Aug. 4.

CHESTER, JOHN, Charlton-upon-Medlock, Manchester, out of business, Aug. 24, Manchester. Off. Ass. Kay; Sol. Gartside, Manchester.—Pet. f. Aug. 7.

COWBRAN, JOHN, Atherton, Lancashire, iron moulder, Aug. 26, Leigh. Off. Ass. Holden; Sol. Whitehead, Tyldesley.—Pet. f. Aug. 6.

DEAN, JOHN, Kidderminster, Worcestershire, victualler, Sept. 16, Kidderminster. Off. Ass. Talbot; Sol. Saunders, Kidderminster.—Pet. f. Aug. 5.

DONSON, CHRISTOPHER, Leeds, wood turner, Aug. 22, Wakefield. Off. Ass. Mason; Sol. Gill, Wakefield.—Pet. f. Aug. 7.

FOX, JOSEPH, Northampton, bookseller, Aug. 29, Northampton. Off. Ass. Dennis; Sol. Shield & Co., Northampton.—Pet. f. Aug. 5.

GITTOES, JOHN, Great Bridge, Staffordshire, coke merchant, Aug. 21, Birmingham. Off. Ass. Whitmore; Sol. Smith, Birmingham.—Pet. f. Aug. 6.

GUY, JAMES, York, draper's assistant, Aug. 27, York. Off. Ass. Perkins; Sol. Grayston, York.—Pet. f. Aug. 7.

HALL, THOMAS, Newcastle-upon-Tyne, joiner, Aug. 24, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Daglish & Co., Newcastle-upon-Tyne.—Pet. f. Aug. 8.

HARRIS, ELEANOR, Newcastle-upon-Tyne, furniture broker, Aug. 24, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Scalfie & Co., Newcastle-upon-Tyne.—Pet. f. Aug. 8.

HARTILL, JOSEPH, West Bromwich, Staffordshire, plumber, Aug. 31, West Bromwich. Off. Ass. Watson; Sol. Round, Tipton.—Pet. f. Aug. 6.

HIRST, SAMUEL, Bradford, Yorkshire, wool stapler, Aug. 24, Leeds. Off. Ass. Carrick; Sol. Wood & Co., Bradford; Carls & Co., Leeds.—Pet. f. Aug. 3.

HUGHES, EVAN, Machynlleth, Merionethshire, miller, Aug. 26, Liverpool. Off. Ass. Turner; Sol. Evans & Co., Liverpool.—Pet. f. Aug. 6.

HUNT, FRANCIS, Leeds, game dealer, Aug. 20, Leeds. Off. Ass. Sangster; Sol. Simpson, Leeds.—Pet. f. Aug. 3.

JOHNSON, SMITH, Waddington, Lincolnshire, dealer in skins, Aug. 24, Lincoln. Off. Ass. Uppleby; Sol. Brown & Co., Lincoln.—Pet. f. Aug. 7.

KEARSON, SAMUEL, Liverpool, car driver, Aug. 24, Liverpool. Off. Ass. Hime; Sol. Worsnip, Liverpool.—Pet. f. Aug. 6.

LOVELL, HENRY, Bugbrooke, Northamptonshire, innkeeper, Aug. 29, Northampton. Off. Ass. Dennis; Sol. Walker, Southam, Warwickshire.—Pet. f. Aug. 4.

LOWE, JOHN, Branton, Leicestershire, keeper, Aug. 25, Melton Mowbray. Off. Ass. Oldham; Sol. Law, Stamford.—Pet. f. Aug. 5.

MALONY, ALEXANDER, Swansea, Glamorganshire, labourer, Aug. 24, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Aug. 5.

MALTRY, THOMAS, Selston, Nottinghamshire, farmer, Sept. 8, Nottingham. Off. Ass. Harris; Sol. Lees, Nottingham.—Pet. f. Aug. 6.

NICHOLAS, JAMES, Ventnor, Isle of Wight, greengrocer, Aug. 22, Newport. Off. Ass. Blake; Sol. Urry, Newport.—Adj. July 30.

PLATT, JOHN, Hey, within Saddleworth, Yorkshire, wool carder, Aug. 25, Manchester. Off. Ass. Pott; Sol. Brooks & Co., Manchester.—Pet. f. Aug. 7.

RICHARDSON, WILLIAM, Manchester, wharfinger, Aug. 24, Manchester. Off. Ass. Kay; Sol. Brett, Manchester.—Pet. f. Aug. 5.

ROBERTS, JOHN, Liverpool, foreman to a joiner, Aug. 25, Liverpool. Off. Ass. Morgan; Sol. Harvey & Co., Liverpool.—Pet. f. Aug. 7.

SMITH, SAMUEL FREDERICK, Cassington, Oxfordshire, schoolmaster, Aug. 22, Woodstock. Off. Ass. Hawkins; Sol. Thompson, Oxford.—Pet. f. July 18.

SMITH, WILLIAM, and SMITH, JAMES, Burslem, Staffordshire, earthenware manufacturers, Aug. 26, Birmingham. Off. Ass. Kinneer; Sol. Walker, Burslem; James & Co., Birmingham.—Pet. f. Aug. 7.

SOUTHWELL, DANIEL SANDERS, Dudley, Worcestershire, confectioner, Aug. 21, Birmingham. Off. Ass. Kinneer; Sol. Warrington, Dudley.—Pet. f. Aug. 6.

STOCK, LEVI, Weston-super-Mare, Somersetshire, builder, Aug. 25, Weston-super-Mare. Off. Ass. Davies; Sol. Smith & Co.—Pet. f. Aug. 6.

THOMAS, SAMUEL, Aberdare, Glamorganshire, licensed victualler, Aug. 25, Bristol. Off. Ass. Miller; Sol. Henderson, Bristol.—Pet. f. Aug. 10.

THOMAS, THOMAS, St. Bride's Major, near Bridgend, Glamorganshire, cattle dealer, Aug. 29, Bridgend. Off. Ass. Lewis; Sol. Ensor, Cardiff.—Adj. July 24.

THOMPSON, JAMES, Bedlington, Northumberland, grocer, Aug. 24, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Harle & Co., 29, Southampton-buildings, Chancery-lane, and Newcastle-upon-Tyne.—Pet. f. July 27.

THOMPSON, ROBERT, Boston, Lincolnshire, corn dealer, Aug. 18, Boston. Off. Ass. Standland; Sol. Ballies, Boston.—Pet. f. Aug. 4.

TOWNEND, EDWIN, Pontefract, Yorkshire, accountant, Aug. 28, Pontefract. Off. Ass. Coleman; Sol. Jefferson, Pontefract.—Pet. f. Aug. 6.

TRUSLER, EDWARD, Upper Mounts, Northamptonshire, shoe manufacturer, Aug. 29, Northampton. Off. Ass. Dennis; Sol. Shield & Co., Northampton.—Pet. f. Aug. 8.

TURLEY, BENJAMIN, Tipton, Staffordshire, annealer of tin-plate iron, Aug. 27, Dudley. Off. Ass. Walker; Sol. Warrington, Dudley.—Pet. f. Aug. 8.

TURLEY, RICHARD, AWR, Gloucestershire, beer-house keeper, Aug. 27, Newnham. Off. Ass. Mason; Sol. Whitley, Mitcheldean.—Pet. f. Aug. 6.

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AUGUST 22, 1863.

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## GAZETTES.—FRIDAY, Aug. 14.

## BANKRUPTS.

*To be heard in London.*

- ALTMANN, EDWARD GEORGE, High-street, Whitechapel, oilman, Sept. 1. Off. Ass. Cannan; Sol. Hobbs, 63, Cornhill.—Pet. f. Aug. 11.
- BRAM, FREDERICK, Stanmore-place, High-street, Camden-town, and Phoenix-place, Dorington-street, Clerkenwell, ivory cutter, Sept. 1. Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 11.
- BUCKINGHAM, GEORGE, Beckford-road, Walworth, bootmaker, Sept. 1. Off. Ass. Cannan; Sols. Few & Co., 7, High-street, Southwark.—Pet. f. Aug. 11.
- DICKINSON, SAMUEL THORNTON, Stanley-street, Pimlico, accountant, Sept. 1. Off. Ass. Cannan; Sol. Smith, 90, Denbigh-street, Belgrave-road, Pimlico.—Pet. f. Aug. 10.
- ELLIS, JOHN, Weston-street, King's-cross, confectioner, Sept. 1. Off. Ass. Cannan; Sols. Wood & Co., 4, Coleman-street-buildings.—Pet. f. Aug. 11.
- FRIER, THOMAS, William-street, Regent's-park, general commission agent, Sept. 1. Off. Ass. Cannan; Sol. Leader, 27, Orchard-street, Portman-square.—Pet. f. Aug. 12.
- HORSEPOOL, WILLIAM, Montagu-street, Russell-square, grocer, Aug. 26. Off. Ass. Edwards; Sol. Alderton, 48, Connaught-terrace, Edgware-road.—Pet. f. Aug. 11.
- JESON, JOHN, Clarendon-terrace, and Lanark-mews, Maida-hill, omnibus proprietor, Sept. 1. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. Aug. 11.
- NEWMAN, GEORGE, Tonbridge Wells, Kent, auctioneer, Sept. 1. Off. Ass. Cannan; Sols. Hale & Co., 61, Cheapside.—Pet. f. Aug. 12.
- NICCOLLS, WILLIAM, Egleston-place, Bromley, pattern maker, Aug. 26. Off. Ass. Edwards; Sols. Wood & Co., 4, Coleman-street-buildings.—Pet. f. Aug. 12.
- PAGE, JOHN, Stucley-terrace, High-street, Camden-town, baker, Aug. 26. Off. Ass. Edwards; Sol. Hare, 66, Basinghall-street.—Pet. f. Aug. 11.
- PERRY, HENRY FOWLER, Tatsfield, Surrey, farmer, Aug. 26. Off. Ass. Edwards; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. Aug. 12.
- REYNOLDS, JOHN, Lower Belgrave-street, Pimlico, out of business, Aug. 26. Off. Ass. Edwards; Sol. Stinton, 18, Margaret-street, Cavendish-square.—Pet. f. Aug. 10.
- SMITH, ROBERT, Gloucester-street, Hoxton, plumber, Aug. 26. Off. Ass. Edwards; Sol. Jucker, 19, Basinghall-street.—Pet. f. Aug. 10.
- STYKS, JOHN MATTHEW, Upper Clifton-street, Finsbury-market, chair maker, Aug. 26. Off. Ass. Edwards; Sols. Holt & Co., Quality-court, Chancery-lane.—Pet. f. Aug. 10.
- TAYLOR, ROBERT, Princes-street, Edgware-road, cab driver, Aug. 26. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 7.
- VICKERS, BENJAMIN, Chasem-terrace, Bishop's-road, Victoria-park, out of business, Aug. 26. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 7.
- VINCENT, WILLIAM NEWTON, Old Palace-yard, Westminster, messenger in the Comptroller-General's Office of Exchequer, Sept. 1. Off. Ass. Cannan; Sols. Lewis & Co., 10, Ely-place.—Pet. f. Aug. 12.
- WADE, ELIZABETH AGNES, Augustus-square, Regent's-park, out of business, Sept. 1. Off. Ass. Cannan; Sol. Begbie, 33, Essex-street, Strand.—Pet. f. Aug. 11.
- WILDING, JOHN HARRISON, Besley, Kent, out of business, Sept. 1. Off. Ass. Cannan; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. Aug. 12.
- WILLS, JOHN FISHER, Windsor-cottages, Haverstock-hill, and High-street, Whitechapel, oil merchant, Sept. 1. Off. Ass. Cannan; Sols. Loxley & Co., 80, Cheapside.—Pet. f. Aug. 12.
- YOUNG, FRANCIS, Chapel-place, Cold Harbour-lane, Camberwell, literary writer, Sept. 8. Off. Ass. Cannan; Sol. Tombs, 19, Lincoln's-inn-fields.—Pet. f. Aug. 12.
- YOUNG, THOMAS, Eastbourne, Sussex, market gardener, Aug. 26. Off. Ass. Edwards; Sol. Tippetts, 2, Stee-lane.—Pet. f. Aug. 12.

*To be heard in the Country.*

- ALPE, JAMES, Brigg, Lincolnshire, grocer's assistant, Aug. 27, Brigg. Off. Ass. Hett; Sol. Todd, Hull.—Pet. f. Aug. 6.
- ASHBY, JOHN, Northampton, butcher, Aug. 29, Northampton. Off. Ass. Dennis; Sols. Shield & Co., Northampton.—Pet. f. Aug. 11.
- BAKER, THOMAS, Selby, Yorkshire, potato merchant, Aug. 31, Leeds. Off. Ass. Carrick; Sols. Bantoft, Selby; Carles & Co., Leeds.—Pet. f. Aug. 12.
- BENNETT, JOHN, Bristol, grocer, Sept. 4, Bristol. Off. Ass. Harley; Sol. Hill, Bristol.—Pet. f. Aug. 12.
- BRADNEY, THOMAS, Wolverhampton, Staffordshire, attorney's clerk, Sept. 28, Wolverhampton. Off. Ass. Brown; Sol. Dallow, Wolverhampton.
- BROWN, JONATHAN, Aspatria, Cumberland, common brewer, Aug. 24, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Chater & Co., Newcastle-upon-Tyne.—Pet. f. Aug. 1.
- BROWN, SAMUEL, Walkley, near Sheffield, quarryman, Aug. 29, Sheffield. Off. Ass. Young; Sol. Mason, Sheffield.—Pet. f. Aug. 13.
- BURTON, JOHN, Macclesfield, Cheshire, pig dealer, Aug. 24, Manchester. Off. Ass. Pott; Sol. Barclay, Macclesfield.—Pet. f. Aug. 8.
- BUTCHER, ALEXANDER, Birmingham, draper, Sept. 28, Birmingham. Off. Ass. Kinnear; Sols. James & Co., Birmingham.—Adj. Aug. 11.
- CARRUTHERS, DAVID, Blackburn, Lancashire, reedmaker, Aug. 31, Blackburn. Off. Ass. Belton; Sol. Backhouse & Co., Blackburn.—Pet. f. Aug. 10.
- CHICK, JOHN, Hereford, baker, Aug. 24, Birmingham. Off. Ass. Kinnear; Sols. Averill, Hereford; Hodgson & Co., Birmingham.—Pet. f. Aug. 10.
- CHILD, JOHN, Felton Winford, Somersetshire, farmer, Sept. 4, Bristol. Off. Ass. Harley; Sols. King & Co., Bristol.—Adj. Aug. 4.

- COHNETT, ROBERT, Wolverhampton, Staffordshire, market gardener, Sept. 28, Wolverhampton. Off. Ass. Brown; Sol. Bartlett, Wolverhampton.
- COWELL, WALSHAM, Thirsk, Yorkshire, horse dealer, Aug. 31, Leeds. Off. Ass. Carrick; Sols. North & Co., Leeds.—Pet. f. Aug. 11.
- CRAWFORD, WILLIAM, Tonbridge Wells, Kent, butcher, Aug. 28, Tonbridge Wells. Off. Ass. Alleyne; Sol. Crippa, Tonbridge Wells.—Pet. f. Aug. 10.
- CURRIER, JOHN, Stamford, Lincolnshire, coal merchant, Aug. 25, Nottingham. Off. Ass. Harris; Sol. Law, Stamford.—Pet. f. Aug. 13.
- DAVIS, HENRY DAVID, Cheltenham, Gloucestershire, cattle dealer, Aug. 25, Cheltenham. Off. Ass. Gale; Sol. Marshall, Cheltenham.—Pet. f. Aug. 8.
- GRIFFITHS, WILLIAM RICHARD, Bristol, horticultural engineer, Sept. 4, Bristol. Off. Ass. Harley; Sol. Henderson, Bristol.—Pet. f. Aug. 10.
- HARPER, HENRY, Houghton-le-Spring, Durham, publican, Aug. 28, Durham. Off. Ass. Bramwell; Sol. Marshall, Durham.—Pet. f. Aug. 10.
- HARDING, THOMAS MARRY, Stourbridge, Worcestershire, apothecary, Sept. 7, Birmingham. Off. Ass. Kinnear; Sol. Collis, Stourbridge.—Pet. f. Aug. 12.
- HUMPHRIES, GEORGE THOMAS, Birmingham, out of business, Sept. 28, Birmingham. Off. Ass. Guest; Sol. Homer, Birmingham.—Pet. f. Aug. 11.
- HUSSEY, JOHN, Bath, Somersetshire, beer-house keeper, Aug. 24, Bath. Off. Ass. Smith; Sol. Bartrum, Bath.—Pet. f. Aug. 6.
- JOHNSON, SAMUEL, Great Wigston, Leicestershire, baker, Aug. 11, Leicester. Off. Ass. Ingram; Sols. Davis & Co., Leicester.—Pet. f. Aug. 12.
- JONES, JOHN, Mold, Flintshire, watchmaker, Sept. 15, Mold. Off. Ass. Everton; Sol. Parry, Mold.—Adj. July 18.
- JONES, SOPHIA, Longton, Staffordshire, currier, Aug. 29, Stoke-upon-Trent. Off. Ass. Keary; Sol. Hawley, Longton.—Pet. f. Aug. 11.
- KRATER, JOHN, Willenhall, Staffordshire, furniture broker, Sept. 28, Wolverhampton. Off. Ass. Brown; Sol. Duignan, Walsall.
- KNOWLES, WILLIAM, Bollington, Cheshire, stonemason, Sept. 1, Macclesfield. Off. Ass. the registrar; Sol. Barclay, Macclesfield.—Pet. f. Aug. 13.
- LOCKLEY, JAMES, Wolverhampton, Staffordshire, tobaccoist, Sept. 28, Wolverhampton. Off. Ass. Brown; Sol. Underhill, Wolverhampton.
- M'CONNELL, ALEXANDER, Guildford, Surrey, draper, Aug. 29, Guildford. Off. Ass. Marshall; Sol. White, Dane's-inn, Strand, and Guildford.—Pet. f. Aug. 8.
- MARR, ROBERT, Kingston-upon-Hull, draper's assistant, Aug. 28, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Chester, Hull.—Pet. f. Aug. 12.
- MOON, JOHN, Kingston-upon-Hull, seed crusher, Sept. 2, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Hearfield, Hull.—Pet. f. Aug. 12.
- MORGAN, RICHARD, Usk, Monmouthshire, innkeeper, Sept. 5, Usk. Off. Ass. Roberts; Sol. Shepard, Tredegar.—Pet. f. Aug. 6.
- NORTHAM, WILLIAM, Exeter, whitesmith, Aug. 26, Exeter. Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. Aug. 12.
- PICKERING, JOHN, and SANDERS, SAMUEL ROWZ, Rotherham, Yorkshire, railway wagon builders, Aug. 29, Sheffield. Off. Ass. Young; Sols. Smith & Co., Sheffield.—Pet. f. Aug. 1.
- PRITCHARD, WILLIAM, Derby, tobaccoist, Aug. 25, Nottingham. Off. Ass. Harris; Sol. Allen, Derby.—Pet. f. Aug. 13.
- REID, WILLIAM, Birmingham, draper, Sept. 7, Birmingham. Off. Ass. Whitmore; Sol. Webb, Birmingham.—Pet. f. Aug. 10.
- ROEBUCK, THOMAS, Rusholme, near Manchester, attorney's clerk, Sept. 21, Manchester. Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. Aug. 11.
- SAX, ABRAHAM, Birmingham, glass dealer, Sept. 28, Birmingham. Off. Ass. Kinnear; Sols. James & Co., Birmingham.—Adj. Aug. 11.
- SCORROCK, YATES, Over Darwen, Lancashire, licensed victualler, Aug. 25, Manchester. Off. Ass. Hernandez; Sol. Smith, Manchester.—Pet. f. Aug. 11.
- SMITH, FRANCIS, Boston, Lincolnshire, grocer, Aug. 25, Nottingham. Off. Ass. Harris; Sol. Bailes, Boston.—Pet. f. Aug. 11.
- TANNER, JOHN, Weston-super-Mare, Somersetshire, cabinet maker, Aug. 25, Bristol. Off. Ass. Acraman; Sols. Smith & Co., Weston-super-Mare.—Pet. f. Aug. 10.
- TOWNSEND, CHARLES, Birmingham, surgeon, Aug. 26, Birmingham. Off. Ass. Kinnear; Sols. Hodgson & Co., Birmingham.—Pet. f. Aug. 1.
- WHITE, HENRY, Bilston, Staffordshire, planer, Sept. 28, Wolverhampton. Off. Ass. Brown; Sol. Underhill, Wolverhampton.
- WHITMAN, JAMES HENRY, Birmingham, farmer, Sept. 28, Birmingham. Off. Ass. Guest; Sols. Powell & Co., Birmingham.—Pet. f. Aug. 11.
- WIGGINS, THOMAS, Guildford, Surrey, bargeman, Sept. 5, Guildford. Off. Ass. Marshall; Sol. White, 8, Dane's-inn, Strand, and Guildford.—Pet. f. Aug. 5.
- WILCOMBE, CHARLES, Douling, near Shepton-Mallet, Somersetshire, baker, Aug. 22, Wells. Off. Ass. Lovell; Sol. Reed, Bridgewater.—Pet. f. Aug. 8.
- WILSON, EDMUND, Leicester, carpenter, Aug. 31, Lutterworth. Off. Ass. Gates; Sols. Davis & Co., Leicester.—Pet. f. Aug. 6.
- WILSON, JAMES, and SLATER, WALTER, Liverpool, and Leadenhall-street, City, merchants, Sept. 4, Liverpool. Off. Ass. Morgan; Sols. Forshaw & Co., Liverpool.—Pet. f. Aug. 11.
- WILSON, WILLIAM, and FOSTER, SAMUEL, Kingston-upon-Hull, iron founders, Sept. 2, Kingston-upon-Hull. Off. Ass. Carrick; Sols. Rollitt & Co., Hull.—Pet. f. Aug. 12.

## BANKRUPTCY ANNULLED.

COOKE, FREDERICK, Milton, near St. Ives, Huntingdonshire, out of business.

[For continuation of Gazette, see p. 303.]

## CONTENTS.

London Gazettes.....	298
Leading Article.....	299
Lapse where one of the Members of a Class of Legatees is named.....	301
Review.....	302
The late Sir F. W. Slade, Bart., Q. C.....	303
Statutes passed during the late Session of Parliament.....	

## NAMES OF THE CASES REPORTED.

## HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

Pole v. Leask.—(Partnership—Principal and agent—Extent of authority—Proof of agency—Onus probandi).....	829
---	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

In re Beale, ex parte Lawrence.—(Bankruptcy—24 & 25 Vict. c. 134, s. 136—Trust deed for benefit of creditors—Examination of trustees—Appeals).....	835
--	-----

## COURT OF APPEAL IN CHANCERY.

By C. MARRETT, Barrister at Law.

Blake v. Peters.—(Executory devise—Condition—Forfeiture—Waste).....	836
Bacchus v. Gilbee.—(Will—Trustees—Security—Bond).....	838
In re Byron's Estate.—(Public company—Investment—Costs).....	838

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Price v. Salusbury.—(Specific performance—Parol evidence—Part performance).....	838
---	-----

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Randfield v. Randfield.—(Will—Costs—Attesting witness).....	842
---	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

The London Insurance v. The London and Westminster Insurance Company (Limited).—("The London Insurance"—Use of the word "corporation" by another company—Injunction refused).....	843
Cookes v. Cookes.—(Practice—Documents, motion to reject—Evidence).....	843
Gowing v. Mowbray and Others.—(Practice—Foreclosure—Disclaiming defendant, costs of).....	844

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INGH, Barrister at Law.

Dendy v. Cary.—(Fraud—Contract executed—Anterior representations).....	845
--	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

Falkner and Others v. Earle and Others.—(Custom—Discount on freight—Mercantile usage).....	847
Jacomb, App., Dodgson, Resp.—(11 & 12 Vict. c. 43, s. 11—Public Health Act, 1858 (21 & 22 Vict. c. 98, s. 63—Information—Limitation of time).....	848

## COURT OF COMMON PLEAS.

By H. RUTHERFURD, Barrister at Law.

Adams v. Mackenzie.—(Policy of insurance—"Total loss"—Construction).....	849
Brown and Others, App., Turner, Resp.—(Prevention of Poaching Act, 25 & 26 Vict. c. 114, s. 2).....	850

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Bush's Executors v. Martin.—(Clerk to commissioners—Salary—Signed bill—Statute of Limitations—Acknowledgment).....	851
--	-----

## COURT OF ADMIRALTY.

By W. ERNST BROWNING, Barrister at Law.

The Royalist.—(Fraud—Removal of master—Merchant Shipping Act, 1854, sect. 240).....	852
---	-----

## THE JURIST.

LONDON, AUGUST 22, 1863.

THE plan for reform of the law brought forward by the Lord Chancellor in his able speech in the House of Lords during the last session of Parliament, comprises, among other things, "The institution of a Department of Justice." This expression was not then used for the first time; for the appointment of a "Minister of Justice" has been very frequently advocated. Not only, however, are the expressions "Minister of Justice" and "Department of Justice" by no means synonymous, but the latter may be understood in several different senses; some indicative of salutary reform, and others of innovations, idle, if not mischievous. It is, therefore, incumbent on those who seek to initiate legislation in this matter to be unequivocal in their language.

The proposal to establish a "Minister of Justice" may mean simply, that the duties connected with the administration of justice, which the law at present imposes on the Secretary of State for the Home Department, are too much for that official, so that with the view to the alleviation of his labours, a minister should be appointed specially to attend to those duties. Such a change might, for aught we know, be advisable, and there is, at least, one argument in its favour; namely, that judging from the manner in which these duties of the Home Office have hitherto been discharged, espe-

cially the reckless pardons and commutations of punishment for offences, and the absence of all discretion in granting tickets of leave, no change could be for the worse.

But the creation of a "Department of Justice" is, or at least may be, a very different matter, and one on which the country has a right to require the most distinct explanations. Nor is it so easy to get them, and this, for the simple reason, that the advocates of the measure do not seem agreed among themselves, or, if otherwise, are singularly unfortunate in the language they choose to express their meaning.

To take a few examples:—

Mr. Napier, Ex-Chancellor for Ireland, in a speech delivered at a meeting of the Social Science Association in 1862 (see its Transactions, pp. 199, 200), says:—"There were some who objected to the name, minister of justice; but about the name he cared little, so that he got the thing. What he wanted was a special department of government, whose bounden duty it would be to look after law reform, and avail itself of the suggestions of able and practical men. . . . The Vice-President of justice should be a member of the House of Commons, whose duty it would be to examine all measures submitted to the House, so as to guard against defects and inconsistencies springing up." If this latter proposal is to be understood with reference only to measures introduced by the Government, it seems fair enough, though there is already an officer whose duty it is to draw all such bills. But if the officer here proposed to be created is to overlook and

approve all bills brought into the House of Commons by independent members and members of the opposition, it would be an innovation of a most unconstitutional character—enacting for England the most objectionable of Poyning's laws, which, until 1782, kept the Legislature of Ireland in a state of semi-strangulation. The only difference would be, that while Poyning's law prevented any bill being introduced into the Irish Parliament without the consent of the Government, Mr. Napier's law would prevent any being carried through the English Parliament except in a form approved of by the Government. After the delivery of Mr. Napier's speech, Dr. Zimmermann, one of the foreign members of the association, who spoke from experience, as Mr. Napier did from theory, said, "he had seen so many evils arise from such an institution in other States, that he congratulated England on *not* having a minister of justice—an officer who interpreted the laws, not according to precedent, but according to his individual views." To this, Mr. Napier, in a sentence which lets us a little deeper into his plan, reminded Dr. Zimmermann, that the minister of justice in this country would not have anything whatever to do with the administration of justice.

The Lord Chancellor in his recent speech, 12th June, 1863, thus introduces the subject. (See Macqueen's Report, pp. 29 et seq.) I shall, at some future time, ask your Lordships "to give me a committee for the purpose of ascertaining what is the best mode by which the future legislation of this country may be conducted, so as to secure an improved form in the composition of bills. When the task of expurgating and classifying the statutes has been completed, it will still be necessary to adopt some system for revising future reported cases, so as to check the uncertainty and confusion they introduce into the law. For, observe the manner in which error grows up in the law. A case is decided, say, by a Vice-Chancellor, or one of the Courts at Westminster. The decision may be bad, but one of the parties to the litigation may not have the means of appealing against it, and so it is not corrected by a higher court. Then, this bad law is recorded in the reports, and passes unnoticed for three or four years. It is then cited as a precedent before another judge. That other judge says, 'I find that Mr. Justice A. B., or Mr. Vice-Chancellor C. D., decided a case from which the case now before me cannot be distinguished,' and thus a bad precedent is accepted and confirmed. The thing, therefore, becomes inveterate, and bad law is established, there being in our system no agency at all to exercise that which ought to be exercised, viz. an annual revision of the reported cases, with power to determine what is to be regarded as entitled to authority, and what ought not to be quoted hereafter for the purpose of determining the law. All this might be accomplished by what is called the institution of a department of justice. At all events, there ought to be some mode and power of revising the reports from time to time, as long as you adhere to the practice of making them guides for judicial decisions." It must not be forgotten that this speech was "corrected under the Lord Chancellor's supervision." And, in another delivered by his Lordship, then Sir Richard Bethell, at the Judicial Society, in February, 1859 (see its Transactions, vol. 2, pp. 129, 135), we find these words:—"Now, one duty of the minister of justice would be, to take the decisions of the current year in connexion with those of past times, and enunciate and express, in a compact form, those general rules for which, as the law stands, you are obliged to apply to authority whenever you want to deduce a rule to be applied to the case before you."

Mr. Fitzjames Stephen in his "General View of the

Criminal Law of England," published during the present year, pp. 322 et seq., also advocates the creation of a Department of Justice. After stating that, in his opinion, the power of legislating now virtually possessed by the judges, should be maintained, recommends "the making the judges avowed legislators within certain bounds, and bringing their legislative power into harmony with the legislative power of Parliament;" and adds, "How to do this, is a practical problem of great delicacy. I should propose to solve it by the establishment of a new department of government, which might be called the department of legislature and justice, or the ministry of justice." On this department Mr. Stephen proposes to confer the duty of drafting bills *introduced by the Government*, and, so far, is more explicit than Mr. Napier. But, he then says, "this department ought to have in its hands the whole system of reporting. The law reports are, in the present day, private speculations. . . . If the reporters were not paid by the sheet, as they are at present, but by a salary from the public, the reports of each particular case might be compressed into a small fraction of their present size." Mr. Stephen does not say whether he would establish more than one set of paid reporters; if not, here would be a monopoly, not like that which formerly existed, when the judges recognised only one set of reports, but a monopoly created by, and dependent on, the executive.

Mr. Stephen further proposes to empower the new department "to call upon the judges to state the law upon particular points raised, but not decided, by particular cases." And, lastly, "the department might also take particular branches of the law, and, by extracting from adjudicated cases the rules and principles on which they proceed, frame a set of rules independent of the particular circumstances of the cases adjudged, and so compress the cases themselves into a very small compass. Such rules should be submitted to, and corrected by, the fifteen judges, or the majority of them; and when issued by their authority, should be quoted as authorities, if not overruled by Parliament within a certain time. . . . The judges should have the same power to alter existing rules as they have to overrule adjudged cases."

The purity of the Bench of England is one of the brightest features in her constitution, and owes its existence, partly to the natural love of justice and fair play, and obedience to the law, instinctive in the British people, and partly to the noble provision in the Bill of Rights, which renders the judges independent of the Crown. Whether among the transcendent powers which the admirers of a department of justice would vest in their new creation is to be comprised a power of supervising and controlling the judges, we leave them to explain; but from the foregoing extracts it seems tolerably clear, that one part of the project is to subject the decisions of every tribunal in the land to an annual, or at least periodical, revision by persons chosen by the Crown, who are to constitute a tribunal for this purpose, probably sitting in secret, and certainly without the presence of counsel, or the usual checks on judicial indolence or misconduct. It is a specious and high sounding thing to say, "Erase from the reports, at the end of each year, all the erroneous decisions to be found in them." But who is to be the judge of what decisions are erroneous? Judging from the language of these persons, one would think that to determine this was one of the easiest, instead of being, what it really is, one of the most difficult things in the world. Imagine all the decisions that take place in the course of the year: including those on charterparties, insurance, railways, poor laws, highways, boards of health, and other ques-

tions which fill the Crown paper in the Court of Queen's Bench; as well as all questions on the construction of wills, and on revenue law; and all the decisions of the equity courts; together with all questions of criminal law, including those affecting the liberty of the subject, the rights of the Crown, and the alleged misconduct of its officers, brought before a secret tribunal—nominated by the executive, with power to erase, under the name of bad law, every decision which they might, rightly or wrongly, deem erroneous, or which, through prejudice or worse motives, they or their employers might wish to see expunged from our jurisprudence. Have those who bring forward such a plan as this reflected on the degradation to which it would expose the Bench:—how it would lower the judicial office in the estimation of the community; and what the effect on the minds of the members of that Bench would be, to know that their decisions existed only by sufferance, until, at the end of the year, they should receive a certificate of approval from a body composed of men immeasurably their inferiors in talent and knowledge? The spirit of theorising and red tape which would impose on such a body the task of conferring such a certificate, and the presumption and coxcombry that would undertake it, are a fair subject of contempt to every enlightened mind, and would be of mirth also, were not the questions at stake too serious, and the consequences of mistake respecting them too deadly.

#### LAPSE WHERE ONE OF THE MEMBERS OF A CLASS OF LEGATEES IS NAMED.

LAPSE is the failure of a testamentary gift by the death of the object in the testator's lifetime. What lapses is the interest he would have taken if he had survived the testator. Thus, if a fund is given to A., B., and C., in equal shares, the disposition is considered to be equivalent to a separate gift of one-third part of the fund to each of the individuals, and if one of them dies in the testator's lifetime, his share does not go to the others, but lapses. On the other hand, a gift to a class of persons by a general designation, as to the children of A., whether all the possible members of the class be in existence at the date of the will (as in the case of a gift to "the children of my late brother," or to "the executors of my will"), or the class be capable of future additions (as in the case of a gift to the children of a living person), is a gift of the entire fund to such members of the class as may ultimately be able to take according to the terms and conditions of the gift; and the death of any member before the testator, though it deprives him of any benefit from the gift, causes no lapse of any part of the subject. No share fails, because no share is given to any other than those who form the class when the gift takes effect. This rule is of necessity, in the case of gifts to a class capable of future augmentation; for it would be absurd to hold, that when, for the first time, the number of persons capable of taking is ascertained, their shares must be diminished for the purpose of reserving and abstracting a share in respect of some one who cannot take it. But the rule extends also to cases where all the possible members of the class are in being and ascertained at the date of the will. (*Viner v. Francis*, 2 Bro. C. C. 658). In other words, every gift to a class of persons contains an implied condition that the members composing it shall be living at or after the testator's death. Therefore, a gift to such of the children of A. as shall be living at B.'s decease, in equal shares, is equivalent to a gift to such of the children of A. as shall be living at B.'s decease, and also at or after the testator's decease; and the death of B. before the testator,

though it will (just as A.'s death would) prevent any addition to the members, will not finally ascertain the objects of the gift, but the subsequent death in the testator's lifetime of any of A.'s children (short of all) will merely contract the class, and not occasion lapse. (*Lee v. Paine*, 9 Jur. 247; 4 Hare, 250; *Leigh v. Leigh*, 17 Beav. 605).

When a gift is made to several persons, one of whom is designated by name, while the others are described in general terms as a class—as, to A. and the children of B.—the share of A., if he lives to take a share, cannot be ascertained until the other legatees are ascertained—cannot be ascertained in the testator's lifetime, unless in the testator's lifetime it becomes impossible that there can be any one to share the gift with A. It seems to follow of necessity, that the death before the testator of the legatee designated by name, cannot occasion a lapse; for the death of a legatee can only occasion lapse of what was intended for him; and in the case put it cannot be said that any definite share was intended for A. Having to take his lot with a class, he was to be regarded as one of the class. Thus, if the gift is to A. and the children of B., and A. dies, then B. dies, leaving three children, then one of the children dies, and then the testator dies, it cannot be said that A. was intended to take either one-fourth or one-third, for there might have been a dozen children of B. living at the testator's death, or all might have died before him. Accordingly, where a testator gave a fund for the benefit of his grandchildren and his nephew Thomas Owen, to be distributed as they should become of the age of twenty-five years respectively, and added directions which were considered to render the gift to the grandchildren void for remoteness, it was held, that Thomas Owen could not take a share, for he could only share as one of a class, and gift to the class was void. So, where the testator gave his residuary estate to the children of A., to the children of B., to C., to the children of D., and to E. in equal shares, and the gifts to C. and to the children of A. were revoked by a codicil, it was held, that the other legatees took the whole, although the revocation extended to the share of C., a person named. Again: where the gift was to trustees, in trust for the testator's wife for life, and after her decease for his daughters, Harriet, Maria, Charlotte, and Amelia, and their issue, and the testator directed that if his wife should have any other daughter or daughters, such daughters and their issue should be entitled, in equal shares with his daughters before named, to the residue of his estate, it was held, that the issue were to take only by way of substitution for their parents, and that the death of one of the daughters who were named, without issue, in the testator's lifetime, did not occasion a lapse. (*In re Stanhope's Trusts*, 27 Beav. 201).

We are, therefore, at a loss to understand the recent case of *Drakeford v. Drakeford*, as reported in 9 Weekly Rep. 977. In that case the testator gave the half-yearly interest from his funded property to his wife during her life, and after her decease to his brother Henry Lewis during his life, and proceeded thus:—"at whose death the principal is to be equally divided amongst his surviving legitimate children, and my niece and goddaughter Rosamond Willows." Rosamond Willows died before the testator. Henry Lewis survived the testator, and died in the widow's lifetime, leaving four children, two of whom died before the widow. It was held, that the rule in *Cripps v. Wolcot* (4 Mad. 11) did not apply, but that the children of Henry Lewis who survived him took vested interests. But it was also held, that the share [what share?] of Rosamond Willows did not belong to the children of Henry Lewis, but lapsed, and, as there was no re-



siduary gift, for the benefit of the testator's next of kin. The Master of the Rolls is made to say, "No doubt, if the gift had been 'to the children of A., and to my niece Rosamond,' that might be considered as a gift to a class. But in order to make Rosamond a member of the class here, the testator should have said, 'I give my property to Henry Lewis for life, and at his death the principal is to go among his legitimate children and my niece, or such of them as shall survive Henry Lewis.' In that case the class would be ascertained at that period; and if no member of it was dead in the interval there would be no lapse. But here Rosamond was to take at all events, and the only class to be ascertained were the children of Henry Lewis, who were to be ascertained at his death." This is evidently misreported. If a gift to the children of L. and to R., makes R. a member of a class so as to prevent lapse, a gift to the children of L., living at L.'s death, and to R., must have the same construction.

G. S.

### Rebels.

*A General View of the Criminal Law of England. By JAMES FITZJAMES STEPHEN, M.A., of the Inner Temple, Barrister-at-Law, Recorder of Newark-on-Trent. 1863.*

[London and Cambridge: Macmillan & Co.]

THIS work, as we are informed in the Preface, "is intended neither for practical use nor for an introduction to professional study. Its object is to give an account of the general scope, tendency, and design of an important part of our institutions, of which surely none can have a greater moral significance, or be more closely connected with broad principles of morality and politics, than those by which men rightfully, deliberately, and in cold blood, kill, enslave, and otherwise torment their fellow-creatures. It surely ought to be possible to explain the principles of such a system in a manner both intelligible and interesting."

These admissions may seem unpromising, but we can assure the reader who is desirous of understanding the principles on which the English criminal law is founded, that the present work—albeit, like ourselves, he may be unable to subscribe to all its positions—will be read alike with pleasure and profit.

Mr. Stephen discusses most of the defects and proposed alterations in the criminal law which of late years have agitated the public mind. Thus, at p. 86 et seq., he considers at some length the subject of irresponsibility for crime on the ground of mental aberration. At pp. 94, 95, he says—

"The case of what is called impulsive insanity is easily dealt with. It is said that on particular occasions men are seized with irrational and irresistible impulses to kill, to steal, or to burn, and that under the influence of such impulses they sometimes commit acts which would otherwise be most atrocious crimes. Many instances of the kind are collected in medical books. It would be absurd to deny the possibility that such impulses may occur, or the fact that they have occurred, and have been acted on. Instances are also given in which the impulse was felt, and was resisted. The only question which the existence of such impulses can raise in the administration of criminal justice is, whether the particular impulse in question was irresistible, as well as unresisted. If it were irresistible, the person accused is entitled to be acquitted, because the act was not voluntary, and was not properly his act. If the impulse was resistible, the fact that it proceeded from disease is no excuse at all. If a man's nerves were so irritated by a baby's crying that he instantly killed it, his act would

be murder. It would not be less murder if the same irritation and the corresponding desire were produced by some internal disease. The great object of the criminal law is to induce people to control their impulses, and there is no reason why, if they can, they should not control insane impulses as well as sane ones. The proof that an impulse was irresistible depends principally on the circumstances of the particular case." And further on, at p. 96—

"The state of the law above described has often been blamed. Some persons have complained of its laxity, others, and this has been the more frequent complaint, of its cruelty. It appears to me to be perfectly reasonable. To punish men for acts which they either could not help or could not know to be wrong would not really increase the deterring power of punishment. It would only deprive it of all the support which it derives from the moral sentiments of the public. On the other hand, to make madness a plea in bar of all further proceedings, so that every one affected with that disease in any degree whatever might commit any crime he pleased upon his neighbours, his keepers, or his companions in a madhouse, would be dangerous in the extreme. Madmen in the present day are treated with a degree of humanity, and intrusted with an amount of freedom, which were formerly quite unknown. It would be impossible to allow this to go on if they were deprived of the protection of the law, by being freed from all responsibility to it. Hanwell and Colney Hatch contain thousands of inmates who associate together freely, enjoy many amusements in common, cultivate considerable pieces of land, and, subject to some necessary restrictions, live much like sane people. Suppose they all knew that any one of them might murder, ravish, or mutilate any other without the fear of punishment, the result would be, that their liberty would have to be greatly restrained, and that they would have to be treated on the footing, not of moral agents to be governed by law, but of animals to be governed by force."

Speaking of the distinction between felony and misdemeanour, Mr. Stephen says (pp. 105, 106)—

"The confusion resulting from it is an admitted defect in the law, nor is it a mere defect in form. It often produce serious inconvenience. Any one may arrest another on reasonable suspicion that he has committed a felony, if a felony has been committed; but with respect to misdemeanours there is, generally speaking, no such power; and this produces absurd results. . . . If the law of forfeiture were ever enforced, which it is not, the distinction between felony and misdemeanour would produce revolting injustice. It would be monstrous that one man should forfeit his property for stealing a shilling, and that another should retain his, though he had obtained ten thousand pounds by conspiracy, false pretences, or perjury. Again: it is equally absurd that, in the case of a trifling theft, the prisoner should have the right of peremptorily challenging twenty jurors, whilst a man accused of perjury might see his bitterest enemy in the jury-box, and be unable to get rid of him as a juror, unless he could give judicial proof of his enmity." And again, p. 119:—

"To kill a man in custody on a charge of felony, who cannot otherwise be restrained from escaping, is justifiable homicide. If the charge is misdemeanour, it is manslaughter. To conspire to commit murder is a misdemeanour; to steal a pennyworth of sweetmeats is felony. It is absurd that a constable might lawfully kill a lad to prevent his escape in the one case, and might be obliged to permit the rescue of a man in the other, though he had loaded arms in his hands."

All this must, however, be understood of the *abuse*, not the *use*, of the distinction, for, as Mr. Stephen justly says elsewhere (p. 110), "the division of offences into felonies and misdemeanours must be kept up; and, as regards the power of arrest, it is a substantial distinction."

(To be continued.)

## THE LATE SIR F. W. SLADE, BART., Q. C.

AN inquest has been held on the body of Sir F. W. Slade, Bart., Q. C., one of the leaders of the Western Circuit, whose decease we noticed in our last. Although his demise was sudden, in the sense of his having been found dead in his bed by Lady Slade, about eleven P.M., he had been ailing severely, and was under medical treatment during that day. It seems that he felt exceedingly the death of Sir Creswell Cresswell, who is supposed to have died of a diseased heart, and in the course of a conversation said, "no one knew who had a diseased heart, and God only knew who would die from it next." A favourite servant of his had also died of it. The following significant letter was written by the deceased on the day of his death to the bishop of the diocese:—

"Maunsell Grange, 8th August, 1863.

"My Dear Lord Bishop.—I was in Wells on Friday, but so busy in court that I could not pay my respects to Lady Auckland and yourself as I had wished. Business over, I returned here, leaving everything at my lodgings, ready for me to return to-morrow to have the honour of dining at the palace. *L'homme propose, mais Dieu dispose*. I got up as well as any man this morning, rode out early before breakfast, but was seized with what they call indigestion, but what I call the pains of hell, and have been in all day. Under these circumstances will you and Lady Auckland kindly excuse me, and believe yours very truly,

"F. W. SLADE.

"The Right Honourable the Lord Bishop,  
Palace, Wells, Somerset."

The coroner said, it appeared to him that the proximate cause of death was similar to that of Sir Creswell Cresswell's—fatty degeneration of the heart. Possibly faintness came on, the heart put in increased action, more blood was sent to the brain than was normal, and a blood vessel gave way, producing apoplexy, which, as the surgeon truly stated, was the immediate cause of death.

The jury returned a verdict of "Death from natural causes."

## PARTNERSHIPS DISSOLVED.

FERN, FRANCIS, and ROGGE, RICHARD LUDLAM, Leeds, attorneys-at-law and solicitors in Chancery.

\* In our number of Aug. 8, p. 287, the Dissolution of Partnership of Messrs. VERITY & MIDDLETON was, by mistake, placed under the head of "Bankruptcy Annulled."

TUESDAY, Aug. 18.

## BANKRUPTS.

To be heard in London.

ADAMS, THOMAS, Southampton, licensed victualler, Sept. 2. Off. Ass. Edwards; Sols. Paterson & Co., 7, Bouverie-street; Mackey, Southampton.—Pet. f. Aug. 15.

CHRIST, ANDREW, Sun-court, Cornhill, commission agent, Sept. 1. Off. Ass. Cannan; Sol. Mirfin, 5, Staple-inn, Holborn.—Pet. f. Aug. 15.

COLLINS, THOMAS, Silver-terrace, Millwall, Poplar, builder, Sept. 1. Off. Ass. Cannan; Sol. Drew, 4, New Basinghall-street.—Pet. f. Aug. 15.

COLTMAN, RICHARD BRICKWOOD, Brewer-street, Golden-square, importer of sewing machines, Sept. 2. Off. Ass. Graham; Sol. Hill, 16, Basinghall-street.—Pet. f. Aug. 15.

KISSESTEIN, WILLIAM, Hatton-garden, exporter of watches, Sept. 1. Off. Ass. Cannan; Sol. Howell, 61, Chesapeake.—Pet. f. Aug. 1.

FURNESS, GEORGE, Cannon-street, City, provision merchant, Sept. 1. Off. Ass. Cannan; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. Aug. 7.

GALLIEX, JULAS NICOLAS, Liverpool-street, City, and Haberdashers'-place, Hoxton, merchant, Sept. 2. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 12.

HARRIS, GEORGE, Aldersgate-street, City, working watchjobber, Sept. 1. Off. Ass. Cannan; Sol. Summer, 12, Pancras-lane.—Pet. f. Aug. 10.

HARRIS, THOMAS HENRY, Old Ford-bridge, Victoria-park, beer-shop-keeper, Sept. 2. Off. Ass. Edwards; Sol. Marshall, 86, Basinghall-street.—Pet. f. Aug. 10.

HEWITT, HENRY, Kidare-terrace, Bayswater, lodging-house keeper, Sept. 2. Off. Ass. Edwards; Sol. Jackson, 19, Basinghall-street.—Pet. f. Aug. 13.

HIGH, JOHN, Cold Harbour-street, Hackney-road, machine sawyer, Sept. 2. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 12.

HODGES, GEORGE, Green-street, Bethnal-green, cheesemonger's assistant, Sept. 2. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 12.

HOLDEN, CHARLES, Brunswick-grove, Cromer-street, Gray's-inn-road, undertaker, Sept. 2. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 12.

JOHNSON, THOMAS, Southampton-terrace, Lambeth, attorney-at-law, Sept. 1. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 13.

JONES, GEORGE DYER, Glasgow-terrace, Pimlico, commercial clerk, Sept. 1. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 12.

LAWRENCE, BENJAMIN, Great May's-buildings, St. Martin's-lane, assistant to a woollendrapier, Sept. 1. Off. Ass. Cannan; Sol. Newstead, 18, Ely-place, Holborn.—Pet. f. Aug. 15.

M'DOWALL, ANDREW, Southampton, saddler, Sept. 1. Off. Ass. Cannan; Sols. Paterson & Co., 7, Bouverie-street, Fleet-street; Mackey, Southampton.—Pet. f. Aug. 14.

MASTERS, THOMAS, Park-street, Camden-town, cook, Sept. 2. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 11.

SHERINGTON, FRANCIS, Charlotte-terrace, New-cut, Lambeth, pastry-cook, Sept. 1. Off. Ass. Cannan; Sol. Porter, 32, Colenian-street.—Pet. f. Aug. 13.

SMITH, JOHN, Millbrook-road, Brixton, out of business, Sept. 2. Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. Aug. 13.

STARLING, SAMUEL, High Holborn, hosier, Sept. 1. Off. Ass. Cannan; Sol. Mansfield, 1, Ampton-place, Gray's-inn-road.—Pet. f. Aug. 14.

STERN, EDWARD, Threadneedle-street, City, ship broker, Sept. 2. Off. Ass. Edwards; Sol. Lindus, 35, Bedford-row.—Pet. f. Aug. 5.

TAYLOR, DAVID, York-road, Lambeth, of no business, Sept. 2. Off. Ass. Edwards; Sol. Oliver, 1, Bank-chambers, Lothbury.—Pet. f. Aug. 7.

TRENDALL, THOMAS, Brunswick-street, Brunswick-square, grocer, Sept. 2. Off. Ass. Edwards; Sol. Harcourt, 2, King's-arms-yard.—Pet. f. Aug. 14.

## To be heard in the Country.

ALLAN, JOSEPH, Kendal, Westmorland, labourer, Sept. 1, Kendal. Off. Ass. Wilson; Sol. Thomson, Kendal.—Pet. f. Aug. 15.

ARNOLD, WILLIAM, Cardiff, Glamorganshire, grocer, Aug. 28, Cardiff. Off. Ass. Langley; Sol. Ingledew, Cardiff.—Pet. f. Aug. 13.

ATKINSON, JOHN, Milsom, Lincolnshire, out of business, Sept. 2, Kingston-upon-Hull. Off. Ass. Carrick; Sols. Cartwright & Co., Bawtry; Blackburn, Leeds.—Pet. f. July 24.

ATKINSON, JOSEPH, Bishopwearmouth, Durham, plasterer, Sept. 1, Bishopwearmouth. Off. Ass. Marshall; Sol. M'Rae, Sunderland.—Pet. f. Aug. 12.

AUTY, ANN, Daw-green, Dewsbury, Yorkshire, grocer, Sept. 18, Dewsbury. Off. Ass. Nelson; Sols. Scholes & Co., Dewsbury.—Pet. f. Aug. 14.

BEARD, JAMES, Wolverhampton, Staffordshire, licensed victualler, Sept. 4, Birmingham. Off. Ass. Whitmore.—Adj. Aug. 16.

BROWN, NATHAN, Manchester, out of business, Sept. 21, Manchester. Off. Ass. Kay; Sol. Mann, Manchester.—Pet. f. Aug. 14.

BURNING, ELLEN, Market Harborough, Leicestershire, pastrycook, Sept. 1, Market Harborough. Off. Ass. Wartonby; Sol. Douglas, Market Harborough.—Pet. f. Aug. 12.

BURROUGHS, JOHN, Sheffield, painter, Sept. 2, Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. Aug. 15.

BUTLER, CHARLES EDWARD, Birmingham, wireworker, Sept. 7, Birmingham. Off. Ass. Whitmore; Sol. Barber, Birmingham.—Pet. f. Aug. 14.

CAVILL, GEORGE, Cardiff, Glamorganshire, miller's foreman, Aug. 28, Cardiff. Off. Ass. Langley; Sol. Ennor, Cardiff.—Pet. f. Aug. 13.

CHARLESWORTH, MATTHEW, Overton, near Wakefield, Yorkshire, farmer, Aug. 29, Wakefield. Off. Ass. Mason; Sol. Barratt, Wakefield.—Pet. f. Aug. 14.

COWARD, WILLIAM, Grasmere, Westmoreland, out of business, Sept. 2, Ambleside. Off. Ass. Taylor; Sol. Nicholson, Ambleside.—Pet. f. Aug. 12.

DOVE, JAMES, North Witham, Lincolnshire, licensed victualler, Aug. 27, Grantham. Off. Ass. Winter; Sol. Law, Stamford.—Pet. f. Aug. 13.

ELLEY, CHARLES, Wicken, Northamptonshire, butcher, Sept. 7, Towcester. Off. Ass. Sheppard; Sol. White, Northampton.—Pet. f. Aug. 11.

FARNALL, JOHN, Hanley, Staffordshire, commission agent, Sept. 7, Birmingham. Off. Ass. Kinnear; Sols. Chalkinor, Hanley; Smith, Birmingham.—Pet. f. Aug. 14.

FRENCH, JOHN WILLIAM, Manchester, innkeeper, Aug. 31, Manchester. Off. Ass. Herniman; Sol. Farrar, Manchester.—Pet. f. Aug. 8.

HARRISON, JOHN, Bradford, Yorkshire, waste dealer, Aug. 28, Bradford. Off. Ass. Robinson; Sol. Hill, Bradford.—Pet. f. Aug. 14.

HAWKSWORTH, MATTHEW, Leicester, out of business, Aug. 29, Leicester. Off. Ass. Ingram; Sol. Haxby, Leicester.—Pet. f. Aug. 13.

HIGLEY, THOMAS, Haberley, Shropshire, wheelwright, Sept. 7, Shrewsbury. Off. Ass. Peale; Sol. Davies, Shrewsbury.—Pet. f. Aug. 14.

HILL, ELIJAH, North Nibley, Gloucestershire, hallier, Aug. 31, Dursley. Off. Ass. Brown; Sol. Clutterbuck, Stroud.—Pet. f. Aug. 3.

HOLLAND, HENRY, Rusholme, near Manchester, engine packing maker, Sept. 24, Manchester. Off. Ass. Kay; Sol. Hodgson, Manchester.—Pet. f. Aug. 14.

HOOD, MICHAEL, Plaistford, Wiltshire, wheelwright, Aug. 26, Romsey. Off. Ass. Tylee; Sol. Mackey, Southampton.—Pet. f. Aug. 3.

HOPKINS, ABERDUGO DAVID, Neath, Glamorganshire, limeburner, Aug. 28, Bristol. Off. Ass. Miller; Sols. Simons & Co., Merthyr Tydfil.—Pet. f. Aug. 13.

HUCKES, WILLIAM, Cardiff, Glamorganshire, builder, Sept. 1, Bristol. Off. Ass. Acraman; Sol. Brittain, Bristol.—Adj. Aug. 15.

JACKSON, WILLIAM, Coningsby, Lincolnshire, farmer, Aug. 26, Horn-castle. Off. Ass. Clitherow; Sol. Brackenbury, Alford.—Pet. f. Aug. 12.

JEFFERIES, WILLIAM, Weston-super-Mare, Somersetshire, shopkeeper, Sept. 1, Weston-super-Mare. Off. Ass. Davies; Sol. Smith, Weston-super-Mare.—Pet. f. Aug. 12.

JENKINS, LEWIS, Mountain Ash, near Aberdare, Glamorganshire, joiner, Sept. 1, Bristol. Off. Ass. Miller; Sol. Brittain, Bristol.

JONES, DANIEL, Manchester, tailor, Aug. 29, Salford. Off. Ass. Hul-ton; Sol. Jones, Manchester.—Pet. f. Aug. 12.

LINGDALE, JAMES, Birmingham, coppersmith, Sept. 4, Birmingham. Off. Ass. Whitmore.—Adj. Aug. 11.

LISTER, FRANCIS, Great Grimsby, Lincolnshire, butcher, Aug. 27, Lincoln. Off. Ass. Uppley; Sols. Brown & Co., Lincoln.—Pet. f. Aug. 13.

M'DONNELL, ENNIS, Birmingham, travelling draper, Sept. 28, Birmingham. Off. Ass. Guest.—Adj. Aug. 11.

M'MULLIN, ABRAHAM, Cockermouth, Cumberland, watchmaker, Aug. 31, Cockermouth. Off. Ass. Waugh; Sol. Mooradiff, Cockermouth.—Pet. f. Aug. 14.

MANCHEX, GEORGE, Southampton, merchant's clerk, Sept. 1, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Aug. 10.

MEDDER, WILLIAM, Liverpool, out of business, Aug. 28, Liverpool. Off. Ass. Hime; Sol. Parker, Liverpool.—Pet. f. Aug. 14.

OVERALL, CHARLES, Great Bardfield, Essex, boot maker, Sept. 23, Dunmow. Off. Ass. Wade; Sol. Cardinal, Halstead.—Pet. f. Aug. 13.

FOULTNEY, THOMAS, Coventry, Warwickshire, licensed victualler, Sept. 2, Coventry. Off. Ass. Kirby; Sol. Smallbone, Coventry.—Pet. f. Aug. 12.

PRIDGON, SAMUEL, Luton, Bedfordshire, draper, Aug. 28, Luton. Off. Ass. Austin; Sol. Shepherd, Luton.—Pet. f. Aug. 12.

RIDDI, AMBROSE, Over Wallop, Hampshire, baker, Aug. 26, Romsey. Off. Ass. Tylee; Sol. Mackey, Southampton.—Pet. f. Aug. 12.

SMITH, EDWARD, Blackburn, Lancashire, iron worker, Aug. 31, Blackburn. Off. Ass. Bolton; Sols. Wheeler & Co., Blackburn.—Pet. f. Aug. 10.

SMITH, JOHN WILLIAM, Birmingham, trimming manufacturer, Sept. 4, Birmingham. Off. Ass. Whitmore.—Adj. Aug. 11.

TAYLOR, THOMAS GRAVELEY, Cheltenham, Gloucestershire, builder, Aug. 28, Bristol. Off. Ass. Acraman; Sols. New & Co., Evesham; Whittington & Co., Bristol.—Pet. f. Aug. 15.

TEAGUE, ANNA SUSAN, Redruth, Cornwall, grocer, Sept. 4, Exeter. Off. Ass. Hirtzel; Sols. Paul & Co., Redruth; Camplin, Exeter.—Pet. f. Aug. 15.

WEST, JAMES THOMAS, Gillingham, Kent, caulker, Aug. 29, Rochester. Off. Ass. Acworth; Sol. Hayward, Rochester.—Pet. f. Aug. 14.

WILLIAMS, JOHN, Llanfair, Montgomeryshire, saddler, Sept. 10, Welch-pool. Off. Ass. Harrison; Sol. Jones, Welchpool.—Adj. June 17.

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- ENGLISH, ALFRED, Shoreham, Sussex, sailmaker, Sept. 8. Off. Ass. Cannan; Sol. Kent, 11, Cannon-street West.—Pet. f. Aug. 8.
- GEORGE, WILLIAM, Trinity-street, Liverpool-road, Islington, out of employ, Sept. 8. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 18.
- GILLARD, WILLIAM, Regent-street, Oxford-street, artist, Sept. 8. Off. Ass. Cannan; Sol. Dobie, 39, Great James-street, Bedford-row.—Pet. f. Aug. 17.
- GOODE, SAMUEL, New-street, Turk-street, Bethnal-green, willow square manufacturer, Sept. 8. Off. Ass. Cannan; Sol. Bartley, 10, Bucklersbury.—Pet. f. Aug. 17.
- GRAVES, KATE, Brook-street, Hanover-square, widow, Sept. 9. Off. Ass. Edwards; Sols. Walker & Co., 13, King's-road, Gray's-inn.—Pet. f. Aug. 8.
- HALL, EDWARD, Duke-street, Grosvenor-square, beer retailer, Sept. 2. Off. Ass. Edwards; Sol. Barrett, 8, Bell's-yard, Doctors'-commons.—Pet. f. Aug. 15.
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- JERDEIN, MICHAEL, Stafford-street, Bond-street, gentleman, Sept. 2. Off. Ass. Edwards; Sols. Gray & Co., 9, Staple-inn.—Pet. f. Aug. 15.
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- JONES, THOMAS, Llanasa, Flintshire, brewer, Sept. 2, Liverpool. Off. Ass. Turner.—Adj. Aug. 15.
- LAROCK, GABRIEL, Bath, milliner, Sept. 4, Bristol. Off. Ass. Miller; Sol. Wilton, Bath.—Pet. f. Aug. 17.
- LOTINGA, ISAAC, Sunderland, Durham, shipbroker, Sept. 1, Sunderland. Off. Ass. Marshall; Sols. Graham, Sunderland.—Pet. f. Aug. 17.
- MOLLART, THOMAS, Stoke-upon-Trent, Staffordshire, coal dealer, Sept. 5, Stoke-upon-Trent. Off. Ass. Keary; Sol. Litchfield, Newcastle-upon-Lyme.—Pet. f. Aug. 10.
- MURDOCH, ALEXANDER, Newcastle-upon-Tyne, hatter, Sept. 4, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Scaife & Co., Newcastle-upon-Tyne.—Pet. f. Aug. 18.
- NORTH, WILLIAM, Torquay, Devonshire, corn dealer, Sept. 9, Exeter. Off. Ass. Hirtzel; Sol. Huggins, Exeter.—Pet. f. Aug. 17.
- NOWELL, JOHN WOTTON, Brisham, Devonshire, shipowner, Sept. 4, Exeter. Off. Ass. Hirtzel; Sols. Taylor, Brisham; Floud, Exeter.—Pet. f. Aug. 17.
- PEARSON, BENJAMIN GRIMSHAW, Liverpool, dealer in plaster of Paris, Sept. 2, Liverpool. Off. Ass. Turner.—Adj. Aug. 17.
- PICKLES, ROBERT, Burnley, Lancashire, out of business, Sept. 7, Burnley. Off. Ass. Hartley; Sols. Backhouse & Co., Burnley.—Pet. f. Aug. 17.
- POWER, WILLIAM, Tottenhall, Staffordshire, gamekeeper, Sept. 23, Wolverhampton. Off. Ass. Brown; Sol. Thurstans, Wolverhampton.
- RAWLINGS, HENRY DAVID, Falmouth, Cornwall, grocer, Sept. 9, Exeter. Off. Ass. Hirtzel; Sols. Moorman, Falmouth; Hirtzel, Exeter.—Pet. f. Aug. 18.
- ROBINSON, THOMAS, Bishop's Cleeve, Gloucestershire, butcher, Sept. 4, Winchcomb. Off. Ass. Plummer.—Adj. Aug. 11.
- ROWE, THOMAS, Liverpool, flour dealer, Sept. 2, Liverpool. Off. Ass. Morgan.—Adj. Aug. 17.
- RULE, WILLIAM, Workington, Cumberland, builder, Oct. 5, Cockermouth. Off. Ass. Waugh; Sol. Moorcliff, Cockermouth.—Pet. f. Aug. 17.
- RYDER, WILLIAM HENRY, Leicester, grocer, Sept. 5, Leicester. Off. Ass. Ingram; Sol. Petty, Leicester.—Pet. f. Aug. 15.
- SMITH, PAUL PLOWMAN, Hantington, Yorkshire, agricultural labourer, Sept. 7, York. Off. Ass. Perkins; Sols. Gill & Co., York.—Pet. f. Aug. 18.
- SKAITH, DAVID, North Ormesby, Yorkshire, tailor, Aug. 31, Stockton-Tees. Off. Ass. Crosby; Sol. Simpson, Yarm and Middlesbrough.—Pet. f. Aug. 19.
- STONES, WILLIAM, Leominster, Herefordshire, out of business, Sept. 4, Birmingham. Off. Ass. Kinsear; Sol. Clarke, Birmingham.—Pet. f. Aug. 30.
- STROUD, RICHARD, Northam, Southampton, milkman, Sept. 9, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Aug. 13.
- TREAKEN, JAMES, Morley, Yorkshire, oil dealer, Sept. 18, Dewsbury. Off. Ass. Nelson; Sol. Ibberson, Dewsbury.—Pet. f. Aug. 14.
- THOMAS, JOHN, Swansea, Glamorganshire, tailor, Sept. 9, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Aug. 17.
- THOMPSON, RICHARD, Bilton, Staffordshire, butcher, Sept. 23, Wolverhampton. Off. Ass. Brown; Sol. Thurstans, Wolverhampton.
- THURSTAN, HENRY, Walsall, Staffordshire, commission agent, Sept. 1, Walsall. Off. Ass. Clarke; Sols. Duignan & Co., Walsall.
- UNSWORTH, JOSEPH, Froswick, near Manchester, butcher, Sept. 8, Manchester. Off. Ass. Herniman; Sol. Gardner, Manchester.—Adj. July 15.
- WALKER, WILLIAM HOPWOOD, Leeds, maltster, Sept. 7, Leeds. Off. Ass. Cartick; Sol. Simpson, Leeds.—Pet. f. Aug. 18.
- WATSON, JONATHAN, Barnsley, Yorkshire, innkeeper, Sept. 7, Leeds. Off. Ass. Young.—Adj. Aug. 14.
- WILLIAMS, JOHN, Llandrillo-yn-rhos, Carnarvonshire, cordwainer, Aug. 24, Conway. Off. Ass. Hughes; Sol. Foulkes, Bangor.—Pet. f. Aug. 10.
- WINSPEAR, CHARLES, Hartlepool, Durham, shipwright, Sept. 5, Hartlepool. Off. Ass. Child; Sol. Beignal, Durham.—Pet. f. Aug. 14.
- WOOD, ALFRED, Brighouse, near Halifax, pig jobber, Sept. 18, Halifax. Off. Ass. Dyson; Sol. Haigh, Huddersfield.—Adj. Aug. 14.
- WRIGHT, CHARLES, Lincoln, attorney's clerk, Sept. 1, Lincoln. Off. Ass. Uppeley; Sol. Hebb, Lincoln.—Pet. f. Aug. 17.

## BANKRUPTCIES ANNULLED.

- ARMUTT, CHRISTOPHER RIGBY, Regent-street.  
HOLLIS, WILLIAM JAMES, West Cowes, Isle of Wight, baker.  
LEWIS, JOHN, Liverpool, butcher.

(For continuation of Gazette, see p. 311.)

CONTENTS.

London Gasettes.....	306
Leading Article .....	307
Review .....	308
Statutes passed during the late Session of Parliament.	

NAMES OF THE CASES REPORTED.

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Rolfe v. Perry. — (Mortgage — Exoneration of real estate—17 &amp; 18 Vict. c. 113).....</i>	853
<i>Ex parte Lubbock, in re Flood &amp; Lott.—(Bankruptcy — Equitable mortgage—Interest).....</i>	854
<i>In re The Southampton, Isle of Wight, and Portsmouth Improved Steam-boat Company (Limited), ex parte Webb. — (Joint-stock company — Winding up — Contributory — Removal of name from list of contributories—Register) .....</i>	856
<i>In re Laforest, ex parte Bell. — (Bankruptcy—24 &amp; 25 Vict. c. 134—Certificate—Order of discharge — Property acquired by bankrupt subsequently) .....</i>	856
<i>Ex parte Davis, in re Harris.—(Partnership—Construction—Power to nominate partner) .....</i>	859

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

<i>In re Giraud.—(Trustee Act, 1850—Alien trustee—Discharge of order).....</i>	862
<i>Bainbridge v. Kinnaird.—(Vendor and purchaser—Specific performance—Incumbrance—Indemnity) .....</i>	862
<i>Thompson v. Bowyer.—(Statute of Limitations, 3 &amp; 4 Will. 4, c. 27, s. 28—Mortgagee in possession—Acknowledgment) .....</i>	863

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

<i>Parker v. Nickson. — (Practice — Motion to take amended bill off the file—Leave to amend—Costs) .....</i>	864
--	-----

VICE-CHANCELLOR STUART'S COURT—(continued).

<i>Reed v. The Don Pedro North Del Rey Gold Mining Company (Limited).—(Practice—Reference as to title “without prejudice,” motion for, refused—Specific performance, suit for) .....</i>	865
<i>Turner v. Burkinshaw.—(Practice—Discovery—Production and inspection of documents, motion for). .....</i>	866

COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

<i>The Guardians of the Blything Union v. Warton.—(Nuisances—Costs of abatement, on whom chargeable—“Owner”—Nuisances Removal Act, 1855 (18 &amp; 19 Vict. c. 121, ss. 2, 19)) .....</i>	867
<i>The Clerk of the Peace for the County of Somerset, App., The Overseers of Shipham, Resp.—(Scotch lunatic pauper—Settlement of—Chargeability to county—16 &amp; 17 Vict. c. 97, s. 98) .....</i>	869
<i>Reg., on the Prosecution of the Imperial Gas-light Company v. Head and the Metropolitan Board of Works.—(Sewers rate, assessment to—Benefit to property rated—Metropolitan Local Management Act, 18 &amp; 19 Vict. c. 120, ss. 161, 162, 163)..</i>	871

By H. HOLROYD, Barrister at Law.

<i>Reg., on the Prosecution of the Churchwardens and Overseers of the Parish of Paddington v. The Churchwardens and Overseers of the Township of Willesden.—(Settlement—Renting a tenement—Yearly hiring) .....</i>	874
---	-----

COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

<i>Locke v. Matthews.—(Statute of Limitations—3 &amp; 4 Will. 4, c. 27, ss. 10, 14—Tenancy at will).....</i>	875
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THE JURIST.

LONDON, AUGUST 29, 1863.

THE Statute-law Revision Bill was among those which passed into law on the last day of the session of Parliament recently expired. We learn, from the speech of the Lord Chancellor on its introduction, that this bill is the first instalment of his system of law reform; and it certainly seems the part of it which is based on the soundest principles. Objectionable as we consider some of his Lordship's proposals, and although questions may be raised even with respect to the statute-law revision, we look on that act as being, on the whole, an immense improvement in our law, and the first step in the solution of the great problem of legal reform, and are quite willing to take chance of the defects, omissions, or inconsistencies that in course of time may be discovered in it.

The Lord Chancellor, it will be remembered, stated, as his opinion, that the formation of a code is the ultimate stage at which the law of every country naturally arrives. We do not concur in this, but it is unnecessary at present to go into the question, for it seems agreed on all hands that, supposing a code desirable, the time for it has not yet come, and that it must be preceded by large reductions in the immense bulk of our statute law and reports; and supposing a code not desirable, still those reductions are requisite as essential elements of legal reform.

Whenever a nation resolves on drawing up a code, or anything analogous to a code, there is one question

to be determined in limine, namely, is the code to be in the affirmative only, or should it be negative also. There is no evading this question, and yet no two things can be more different than codes with and codes without negative words. An affirmative code only declares that what is contained in it shall be law; an affirmative and negative code (and this is the species of code advocated by Bentham, see his works by Bowring, vol. 3, p. 205) contains the further provision, that whatever is not found in the code shall not be law. Such a code proscribes all records of the past, all previous decisions, and all treatises, as means of ascertaining what the law is; and it is evident that the lawgiver who draws it up must have unlimited faith in his own knowledge, forethought, and ability.

The compilers of the bill on which the act for the revision of the statute law is founded, acted on the former principle. The object being to reduce the statute-book into a reasonable compass, by expunging defunct, useless, and repealed statutes, the new act contains no negative words. It only says, that all the statutes therein enumerated shall be repealed, but does not go on to affirm, or even imply, that all those which it leaves on the statute-book are unrepealed. Of this we may take as an instance a statute referred to in a former article (ante p. 244), written after the bill was announced, and before it was exhibited in type. We there expressed our curiosity as to what course the commissioners would take with reference to the 13 Car. 2, stat. 1, c. 5, s. 1, which prohibits petitions to the King or Parliament being signed by more than twenty persons (except in certain cases); and in the same section prohibits the delivering any



petition by a company of more than ten persons. The commissioners, wisely, took no notice of the statute; so that the question still remains whether that section, or any part of it, is repealed—a question to which we take the true answer to be, for the reasons stated in the above article, that the first part of it is repealed, but that the second part is not. Some apprehension may, perhaps, also be felt (see ante, pp. 251, 252), lest the commissioners should, through inadvertence, have repealed any statute establishing a constitutional principle; a thing that the Lord Chancellor declared they were specially to avoid, and whether they have done it time must determine.

The rest of the Lord Chancellor's plans stand over for the consideration of future Parliaments. Meanwhile the Profession and the public have had ample notice of their nature, and are invited to consider them.

It may well be, that the codification of the Roman law by the Emperor Justinian was an act of necessity; especially when we remember, that the Roman equity had been codified by the "perpetual edict" about the time of the Emperor Hadrian, nearly three centuries before, and also take into consideration the great difficulty and expense of procuring books in ancient times, —a difficulty increased a hundred fold by the change of the seat of government to Constantinople, and the subsequent destruction of the Western empire. In illustration of this, we are informed by Gibbon (*Decline and Fall*, &c., vol. 8, p. 51), that many of the works on the Roman law could not be procured at any, or almost any, price at Constantinople; and that it was said even that the originals of various books abstracted in the Pandects were never seen by Tribonian and his colleagues, but were quoted at second-hand from more recent authorities; and if this scarcity was felt at headquarters, what must have been the state of private practitioners. So the codification of the French law by the Emperor Napoléon I, may also have been an act of necessity. His five codes, however, are merely affirmative ones, and neither contain, nor profess to contain, the whole law of France, much of which is still uncodified. Be all this, however, as it may, we make no question that any attempt to reform the English law at this time *per saltum*, will end in disaster; and that its *gradual* reform is the correct and safe course, whether codification is or is not to be the last link in the chain.

### References.

*A General View of the Criminal Law of England.* By JAMES FITZJAMES STEPHEN, M.A., of the Inner Temple, Barrister-at-Law, Recorder of Newark-on-Trent. 1868.

[London and Cambridge: Macmillan & Co.]

(Concluded from p. 308).

There is a school of legal reformers who test the value of every part of our criminal procedure by its agreement or disagreement with the French system. We strongly advise all such persons, and those liable to be misled by their suggestions, to peruse the fifth chapter of this work, beginning at p. 162, where the French system is described; whence the great superiority of our own, notwithstanding all its faults, will be apparent to the meanest capacity. The following are specimens:—

"After the depositions are completed, the president cross-examines; and after his cross-examination is over, the counsel for the prisoner may put any further questions if he pleases; but he can do so only through the president. This privilege is hardly ever exercised, and this in itself forms a broad distinction between a

French and an English trial; for, in the latter, the cross-examination of witnesses is one of the most important and most characteristic parts of the proceedings" (p. 164).

"It is obvious from this short sketch of French procedure, that it has little reference to the litigious view of criminal justice. Hardly any discretion or independent action is allowed to the prisoner from the very first. He cannot manage his defence in his own way; but, on the contrary, the Ministère Public manages it for him, counterchecking it as the proceedings go on, and often concluding in favour of his guilt from any confusion or falsehood on the part of the witnesses favourable to him. The issue of the trial is virtually almost decided before it begins, because it is only the last act of a continuous process; and thus it is hardly an exaggeration to say, that the jury in a French court is an anomalous excrescence. As its introduction into France is no older than the Revolution, and as a great part of the Code Napoleon is a recast of laws which existed long before that time, it may very probably be the case that the whole scheme of French criminal procedure may have been adapted to the ancient system, in which the object was to convince the minds of the court; and it must also be remembered, that the Tribunaux Correctionnels, which can imprison for five years, and deprive men of civil rights, and before which nearly nineteen-twentieths of the French criminal trials take place, try causes without juries.

"In order to place before our minds the character of the French system, we must suppose the attorney for the prosecution, the committing magistrate, and the counsel for the Crown, to stand to each other in the relation of official superiors and inferiors; and we must further suppose the counsel for the Crown to be an assessor to the judge of assise. To complete the system, we must substitute for the fifteen judges a much more numerous body, scattered over the country in threes and fours, each group having under their official authority all the committing magistrates, and all the prosecuting counsel and attorneys within a wide district, and discharging themselves the functions of grand jurymen. We must also suppose the procedure to be secret until the day of trial, and the accused to be liable to close confinement, varied only by as many interrogatories and private confrontations with witnesses as the judge 'instructing the process' might think advisable.

"If a prosecution is to be considered as a public investigation, it is obvious that those who are to conduct it must stand in some relation of this sort to each other. A system in which the prosecuting attorney, who collects the evidence; the committing magistrate, who weighs it; the grand jury, who keep a sort of nominal check upon it; the counsel for the Crown, who exercises an absolute discretion, not only as to the order in which the witnesses are produced, but as to their being called or not, and as to the questions which shall be put to them; and, finally, the judge and jury, who decide the case; are all absolutely independent of each other, is fitted only for the purpose of ascertaining, by a series of successive tests, the weight of the prosecutor's assertion that the prisoner is guilty. The result of the French system, on the contrary, is the gradual elaboration of a theory on the subject of the crime, supported by a mass of evidence which has been collected and arranged by a set of public functionaries intimately connected together, and bound by all the ties of official *esprit de corps* and personal vanity to maintain the accuracy of the conclusion at which they have arrived" (pp. 164-5, 6).

"The general result may probably be fairly expressed, by saying that an English criminal trial is a public inquiry, having for its object the discovery of truth, but thrown, for the purpose of obtaining that end, into the form of a litigation between the prosecutor and the prisoner" (p. 167).

Mr. Stephen is, however, by no means blindly enamoured of the English system, which he deems faulty in many respects. Thus, although he deprecates the introduction of continental systems in general, he is in favour of establishing public prosecutors under certain limitations:—

"The detection of crimes, which no private person has an interest in prosecuting, ought to be a branch, and a very important one, of the duties of the chief constable of the county or borough police. In the counties especially, these officers are generally men of education, intelligence, and experience, often military officers, and are perfectly competent, with the assistance of a few detectives, to inquire into the circumstances of any crime which may occur" (p. 172). He is, however, opposed to the plan of appointing standing counsel for the purposes of public prosecution, on which he makes the following, we think, most just observations:—

"If standing counsel for the Crown were appointed, there is no reason to suppose that the business would be at all better done than it is at present, and some great advantages would be lost. Under the present state of things, men who prosecute in one case defend in another; and this frequent change of parts has a strong tendency to secure their impartiality and independence. If a man were always to prosecute, he would come to sympathise with those who instruct him, and to think it his official duty to secure as many convictions as possible. If he were always to defend, he would come to look on the prosecutor as his natural rival and antagonist. It is desirable, as pointed out above, that the counsel for the Crown should consider himself as in many respects a judge, bound, not to convict at all events, but to see that the case against the prisoner is presented to the jury just as it is, in all its strength and all its weakness; and that the counsel for the prisoner, though an advocate, and not a judge, should not forget his obligations to the public. Nothing is more likely to favour this frame of mind than the habit of alternately prosecuting and defending prisoners, by which men learn practically what ways of conducting prosecutions and defences are and are not fair to the other side" (pp. 173-4).

On one very important matter in particular Mr. Stephen is at issue with our criminal practice—namely, that, in chap. 6, § 3, he advocates the direct and explicit interrogation of accused persons, both when on trial and when before the committing magistrate:—

"At the trial, I think the counsel for the Crown ought to interrogate the prisoner at the end of his case, and before the prisoner's defence. I would allow him to ask leading questions, and I would allow the counsel for the prisoner to re-examine, and the judge and jury to interpose any questions they pleased. The examination of a bankrupt whose discharge is opposed would furnish a good precedent, and the practice of the Bankruptcy Court shews not only the utility of the process, but the possibility of conducting it with propriety and humanity. The necessity of calling an adverse witness would be a reason for allowing the counsel for the Crown to sum up at the end of the case, if the prisoner was defended by counsel. This would assimilate the course of criminal to that of civil trials. In simple cases this would for the most part be unnecessary" (p. 201).

For his arguments on this we refer our readers to the work itself.

On the other hand, however, Lord Brougham's favourite proposition to render the accused a competent witness if he desires to be sworn, finds small favour with Mr. Stephen, who argues thus upon it:—

"The proposal to make the prisoner a competent witness has an appearance of system about it which, at first sight is extremely plausible. It would, no doubt, harmonise well with what I have called the litigious theory of criminal trials, but there are strong objections to it. In the first place, the prisoner could never be a real witness; it is not in human nature to speak the truth under such a pressure as would be brought to bear on the prisoner, and it is not a light thing to institute a system which would almost enforce perjury on every occasion. It is a mockery to swear a man to speak the truth who is certain to disregard it. It may be objected that this proves that the prisoner ought not to be examined at all; but this objection is not well founded. It is one thing to enable a man to be a witness on his own behalf, to tempt him to come forward and tell such a story as he thinks best for his own interest, and another thing to subject him to questions in the interest of his accuser. In the one case he comes forward to ask credit for his own account of the matter; in the other he is asked to admit or deny or explain particular circumstances, his ability to do so being a proof of innocence, his inability evidence of guilt. In the one case the man is tempted to invent a lie, in the other case he is probed for the purpose of discovering the truth. To leave the discretion of calling the prisoner or not in the hands of his counsel would be carrying the litigious view of a criminal trial to an unwise extent. After all, a trial ought to be inquiry into truth, but it is idle to suppose that the counsel for the prisoner will regard it in that light. He would call or decline to call the prisoner, not with an eye to the interests of truth, but with an eye to the verdict only, under the special circumstances of the case. The exercise of this discretion would introduce all sorts of difficulties into the case. To the counsel for the prisoner it would be a most painful discretion. By not calling the prisoner he might expose himself to the imputation of a tacit confession of guilt; by calling him he might expose an innocent man to a cross-examination which might make him look guilty. To the judge and jury it would be equally unwelcome. How would they know what construction to put on the fact that the prisoner was not called? The construction put upon it by them would be a mere guess. Various subordinate questions of difficulty would arise. It would not be easy to arrange the right of reply, and it would be very difficult to put the cross-examination by the counsel for the Crown under proper restrictions. If he examined the prisoner himself, as an independent part of his own duty, he would probably do so with a good deal of the feeling of a judge, and with an eye to the discovery of truth; but if he had to treat him as a witness, called on the other side, the case would be much altered, and the judge would be merged in the advocate fighting for the verdict. Many delicate questions will arise on such an occasion. For instance, might the counsel for the Crown cross-examine the prisoner to his credit, and ask him whether he had been previously convicted &c., as he might with other witnesses? Regard the prisoner solely as a witness, and there is no reason why he should not; yet this would indirectly put the man upon his trial for the whole of his past life" (pp. 201-3).

Mr. Stephen also condemns the proposal of empowering the Court to refer scientific questions to a subsidiary jury of experts, or to associate such with the jury (p. 209).

The following passage on this subject is forcible :—

"Those who doubt whether juries are competent to deal with scientific evidence should remember that men actually have at times to judge, and that in matters of life and death, upon scientific evidence, without sitting on juries. A man observes a small swelling on his thigh; he goes to a surgeon, who says, 'This is an aneurism, and if you do not allow me to cut down upon the artery, and tie it, you may fall down dead at any moment.' He shews it to another, who says, 'It is no aneurism at all, but a mere tumour, on which I will operate; if I do not, you will be exposed to some dreadful consequence; but if I am wrong, and it is an aneurism, as soon as I make the first cut you are a dead man.' Here a man is judge of life and death in his own case; nor can he escape the necessity of deciding. These illustrations lead to the proposition, that a jury composed as at present is more likely to arrive at a conclusion satisfactory to the public, in the class of cases referred to, than either of a jury of experts, or jury bound by the decision of experts" (p. 214).

Our author upholds, and ably defends, the trial by jury (chap. 6, § 4); and even the rule which requires the verdict to be unanimous. Even those who may not agree with him will, we think, admit that there is considerable force and originality in the following :—

"To put a dozen farmers into a bare room, and say, 'You shall not have your dinners till you have made up your minds,' is a rough and half humorous way of mentally jogging them. It assumes the possibility of a kind of sluggish obstinacy, which requires some slight external stimulus to overpower it; and to view the thing tragically is to misunderstand it. It must, however, be confessed, that the expedient is coarse and rough, and that it belongs to an age of less considerate and polished manners than our own. The mere confinement is quite compulsion enough, and the power of ordering reasonable accommodations in the shape of either food or fire might well be intrusted to the judge. The difficulty has been practically solved by the power which the judges have assumed of discharging a jury if they are unable to agree after a reasonable time, and if they declare that there is no chance of their agreeing. In such cases the prisoner can be tried again, and this is obviously the course of proceeding most consistent with the general character of the institution" (p. 223). To this we will add, that the prohibition against refreshment does not apply until the jury have retired to consider their verdict;—they may, and frequently do, have refreshment during the course of the trial, so as to prevent their feeling the want of it during a consultation of any reasonable length.

In the same chapter the author declares himself adverse to the proposal to grant new trials in criminal cases, unless, he says, "new evidence or new reasons to doubt the truth or accuracy of the evidence actually given had been discovered; or the judge who tried the cause were dissatisfied with the verdict" (p. 231)—a suggestion which appears well worthy of consideration.

The chapter on English Criminal Procedure concludes with the following passage :—

"On the whole, the defects of the criminal law should be remedied with a careful hand, and with the greatest solicitude to preserve unimpaired its essentially free and noble character. No spectacle can be better fitted to satisfy the bulk of the population, to teach them to regard the Government as their friend, and to read them lessons of truth, gentleness, moderation, and respect for the rights of others, especially for the rights of the weak and the wicked, than the manner in which criminal justice is generally adminis-

tered in this country. No one can fail to be touched when he sees a judge, who has reached the bench by an unusual combination of power, industry, and good fortune, bending the whole force of his mind to understand the confused, bewildered, wearisome, and half-articulate mixture of question and statement which some wretched clown pours out in the agony of his terror and confusion. The extreme latitude which is allowed to a man on his trial is also highly honourable. Hardly anything short of wilful misbehaviour, such as gross insults to the Court, or abuse of a witness, will draw upon him the mildest reproof. This generous and dignified tenderness towards misery, even though it may be the misery of crime, is so noble a quality, that it has, to a great extent, atoned for, and, in the eyes of inaccurate observers, appeared to justify, real defects in the system which it animates. One great reason for observing, and trying to remedy, those defects is, that they mar the beauty of an institution which an English lawyer may be allowed to describe as a great practical school of truth, morality, and compassion" (pp. 232, 233).

Mr. Stephen advises the establishment of a department of justice and legislation (p. 333); and that, with respect to decided cases, that department ought to have in its hands the whole system of reporting (Ib.); that it should have power to question the judges upon points of law raised, but not decided, by particular cases; and should undertake the codification of the reports (p. 335)—a series of proposals the propriety of every one of which is open to much question.

Mr. Stephen has added to his work an Appendix, containing at length the celebrated cases of Donnellan, Palmer, Dove, and Smethurst; and the French cases of the monk Léotade in 1848, the affair of St. Cyr in 1860, and of François Lesnier in 1848. The doubts and disputes relative to Donnellan's conviction are well known. Mr. Stephen declares his approval of the verdict; but, although morally satisfied of the guilt of the accused, we cannot look on the proof of the corpus delicti as complete. The report of Smethurst's case has been compared with the notes of the Lord Chief Baron, who also gave the author a copy of his communication to the Government on the subject. The three French cases are also very instructive. Mr. Stephen dismisses the last of them, that of François Lesnier, with the following sentence, which concludes the work :—

"If it is the true theory of criminal justice that the highest legal authorities ought to be at the head of a retinue of petty tyrants and police spies, such cases as Lesnier's must be expected. By leaving the prosecutor and the accused to fight out their differences before impartial judges, assisted by counsel who are thoroughly independent of all local authorities whatever, and by attorneys who are merely the agents of those who employ them, we, at all events, effectually avoid evils like this; whilst our rules of evidence, which may sometimes shut out the truth, close the door on oceans of malignant gossip, against which innocence is a poor protection, and establish a standard of proof so high as to be in itself a strong protection against perjury and conspiracy" (p. 490).

COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen to be Commissioners to administer oaths in the High Court of Chancery in England :—David Lloyd, of Lampeter, Cardiganshire; Joseph Bland Walker, of Belper, Derbyshire; and John Jesse Handley, of Mansfield, Nottinghamshire.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at

Westminster, has appointed the following gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—George James Andrews, of Dorchester, in and for the county of Dorset; Edward Walmisley, of No. 25, Abingdon-street, Westminster, in and for the county of Middlesex, also in and for the city and liberties of Westminster, and city of London; Edward Brown Fiske, of Beccles, Suffolk, in and for the county of Suffolk, also in and for the county of Norfolk; and Henry Watson, of Aylesbury, Buckinghamshire, in and for the county of Bucks.

PARTNERSHIP DISSOLVED.

WILDES, HENRY ATKINSON, and WHITEHEAD, ARTHUR, Maidstone, Kent, attorneys and solicitors.

TUESDAY, Aug. 25.

BANKRUPTS.

To be heard in London.

BAUM, WILLIAM, Duke-street, Lincoln's-inn-fields, out of employ, Sept. 7. Off. Ass. Cannan; Sols. Holt & Co., Quality-court, Chancery-lane.—Pet. f. Aug. 21.

CLARK, HENRY, Salisbury-street, Strand, doctor of medicine, Sept. 8. Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Aug. 20.

COKEY, HENRY, Tottenham-court-road, boot maker, Sept. 7. Off. Ass. Cannan; Sol. Braddon, 5, Dane's-inn, Strand.—Pet. f. Aug. 22.

COOKE, JOSEPH PERCY, Crowndale-place, Oakley-square, attorney-at-law, Sept. 7. Off. Ass. Cannan; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. Aug. 20.

CRUMMACK, THOMAS, Finsbury-place, Finsbury, paper agent, Sept. 7. Off. Ass. Cannan; Sols. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. Aug. 20.

DEAL, ABRAHAM, Deptford, Kent, baker, Sept. 8. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 17.

DUNN, EDWIN HARDEMAN, Abbey-gardens, Saint Marylebone, mariner, Sept. 7. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 20.

FALVEY, EDWARD, Hall-place, Paddington, coal merchant, Sept. 7. Off. Ass. Cannan; Sol. Godfrey, 5, South-square, Gray's-inn.—Pet. f. Aug. 20.

FARRANCE, JOSEPH, Anthony-street, St. George's-in-the-East, licensed victualler, Sept. 7. Off. Ass. Cannan; Sol. King, 29, Queen-street, Cheapside.—Pet. f. Aug. 21.

FEAR, ELLEN MARTHA, Old-street-road, Shoreditch, veneer seller, Sept. 8. Off. Ass. Cannan; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. Aug. 20.

FELWICK, GEORGE, Saint Martin's-court, and Castle-street, Leicester-square, roller blind manufacturer, Sept. 8. Off. Ass. Cannan; Sol. Venn, 3, New-lam, Strand.—Pet. f. Aug. 20.

FORBES, ANDREW, Totton, Southampton, out of business, Sept. 7. Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Aug. 22.

FOSTER, ROBERT, Sussex-street, Pimlico, out of business, Sept. 7. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 22.

HUGHES, THOMAS, Dublin, engineer, Sept. 8. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 17.

KENNISON, GEORGE, Norwich, grocer, Sept. 7. Off. Ass. Cannan; Sols. Doyle, 2, Vernal-hill-buildings, Gray's-inn; Sadd, Norwich.—Pet. f. Aug. 20.

KING, YOUNG, Stockbridge, Hampshire, trainer of race horses, Sept. 7. Off. Ass. Cannan; Sol. Jones, 5, New-lam, Strand; Paffard, Portsea.—Pet. f. Aug. 21.

MAIDMENT, ELIAS, Albany-road, Camberwell, baker, Sept. 7. Off. Ass. Cannan; Sol. Goren, 29, South Molton-street.—Pet. f. Aug. 21.

MARTIN, JAMES PATRICK, Washington-place, Commercial-road, Peckham, clerk to a benevolent society, Sept. 7. Off. Ass. Cannan; Sol. Hare, 66, Basinghall-street.—Pet. f. Aug. 21.

O'BRIEN, JOHN, Tonbridge Wells, Kent, in no occupation, Sept. 8. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 17.

ORSON, JOHN, Chesham, Essex, butcher, Sept. 7. Off. Ass. Cannan; Sols. Meggy, Chesham; Traherne & Co., Barge-yard-chambers, Bucklebury.—Pet. f. Aug. 20.

POCNESS, GEORGE JOHN, Old Broad-street, City, and Greenwich, Kent, accountant, Sept. 7. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 22.

PROCTOR, JOHN WILLARD, Borough-market, Southwark, fruit salesman, Sept. 7. Off. Ass. Cannan; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Aug. 20.

ROSSITER, JOSEPH CARTWRIGHT, Moorgate-street, City, and Sydney, New South Wales, merchant, Sept. 7. Off. Ass. Cannan; Sols. Ashurst & Co., 6, Old Jewry.—Pet. f. Aug. 20.

SHARP, KENNETH, Binsted, near Ryde, Isle of Wight, out of business, Sept. 7. Off. Ass. Cannan; Sols. Paffard, Portsea; Jones, 5, New-lam, Strand.—Pet. f. Aug. 21.

SHAW, SAMUEL, Tonbridge, Kent, coal merchant, Sept. 7. Off. Ass. Cannan; Sols. Hayward, Rochester; Sandys & Co., 5, Gray's-inn-square.—Pet. f. Aug. 12.

STRIDE, SARAH ELIZABETH, and CLARKE, FRANCIS, Conduit-street, Bond-street, out of business, Sept. 8. Off. Ass. Edwards; Sols. Lawrence & Co., 12, Broad-street.—Pet. f. Aug. 13.

SWONNELL, ALFRED, Ponsonby-terrace, Pimlico, commission agent, Sept. 7. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 21.

TAYLOR, FREDERICK, Greenwich, Kent, bill broker, Sept. 8. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 17.

WEEKS, WILLIAM, Foot's Cray, Kent, oster, Sept. 7. Off. Ass. Cannan; Sol. Langton, 13, Walbrook.—Pet. f. Aug. 22.

To be heard in the Country.

ANDERSON, JOHN, Gateshead, Durham, out of business, Sept. 10, Gateshead. Off. Ass. Ingledew; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Aug. 20.

ATKINSON, JOHN, Mison, Lincolnshire, innkeeper, Sept. 7, Leeds. Off. Ass. Carrick; Sols. Cartwright & Co., Bawtry; Blackburn, Leeds.—Pet. f. July 24.

BAILEY, CHARLES, Leicester, fishmonger, Sept. 5, Leicester. Off. Ass. Ingram; Sol. Harby, Leicester.—Adj. Aug. 19.

BLACKMORE, THOMAS, Aller, near Langport, Somersetshire, shoemaker, Sept. 1, Langport. Off. Ass. Warren; Sol. Reed, Bridgewater.—Pet. f. Aug. 14.

BORRILL, RICHARD, Kingston-upon-Hull, fruiterer, Sept. 1, Hull. Off. Ass. Phillips; Sol. Reed, Hull.—Adj. Aug. 12.

BOWEN, WILLIAM DERRY, Bransford, Worcestershire, brewer's assistant, Sept. 7, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. Aug. 21.

CHANTLER, WILLIAM, Newcastle-upon-Tyne, merchant tailor, Sept. 4, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Aug. 12.

CHEATLE, JAMES HILL, Birmingham, brush manufacturer, Sept. 28, Birmingham. Off. Ass. Guest; Sols. Powell & Co., Birmingham.—Pet. f. Aug. 19.

CLOUGH, JOHN, Salford, Lancashire, drover, Sept. 11, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Aug. 10.

COOMBS, JAMES, Paignton, Devonshire, carpenter, Sept. 5, Totnes. Off. Ass. Bryett; Sol. Carter, Torquay.—Pet. f. Aug. 19.

COOKE, EDWARD, Redditch, Worcestershire, needle manufacturer, Sept. 4, Birmingham. Off. Ass. Kinnes; Sol. Wright, Birmingham.—Pet. f. Aug. 21.

COPLAND, THOMAS, Greenside, near Blaydon, Durham, commission agent, Sept. 19, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. Aug. 17.

COWPER, WILLIAM TREXTON, Lower Broughton, near Manchester, joiner, Sept. 5, Salford. Off. Ass. Hulton; Sols. Cobbett & Co., Manchester.—Pet. f. Aug. 21.

CROSBY, WILLIAM, Bradford, Yorkshire, commission agent, Sept. 10, Bradford. Off. Ass. Robinson; Sol. Green, Bradford.—Pet. f. Aug. 21.

DARLINGTON, WILLIAM, Monks Coppenhall, Cheshire, grocer, Aug. 27, Nantwich. Off. Ass. Broughton; Sol. Edleston, Nantwich.—Pet. f. July 25.

DAWSON, JAMES, Aldershot, Hampshire, mess cook, Sept. 3, Farnham. Off. Ass. Hollett.—Adj. Aug. 13.

DRAYTON, FRANK CHARLES, Ryde, Isle of Wight, painter, Sept. 5, Newport. Off. Ass. Blake.—Pet. f. Aug. 13.

ELLIOTT, RICHARD SWATLAND, Tonbridge, Kent, tobaccoist, Sept. 7, Tonbridge Wells. Off. Ass. Alleyne; Sol. Arnold, Tonbridge Wells.—Pet. f. Aug. 21.

FIRTH, ABRAHAM, Cleckheaton, Yorkshire, cabinet maker, Sept. 10, York Castle. Off. Ass. Robinson; Sol. Haigh, Huddersfield.—Adj. Aug. 14.

GARR, WILLIAM, Birmingham, commission agent, Sept. 7, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. Aug. 22.

GIDDY, THOMAS REED, Newport, Monmouthshire, innkeeper, Sept. 4, Bristol. Off. Ass. Acraman; Sol. Cathcart, Newport.—Pet. f. Aug. 19.

GLEDHILL, ABRAHAM, Sheffield, cutler, Sept. 5, Sheffield. Off. Ass. Young.—Adj. Aug. 14.

GOOD, JAMES, Newcastle-upon-Tyne, plasterer, Sept. 23, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Bush, Newcastle-upon-Tyne.—Pet. f. Aug. 19.

HALLIDAY, GEORGE HENRY, Manchester, artificial florist, Sept. 7, Manchester. Off. Ass. Pott; Sol. Leigh, Manchester.—Pet. f. Aug. 20.

HALLIWELL, JAMES, Manchester, weaver, Sept. 11, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Aug. 10.

HALLIWELL, JOSEPH, Manchester, labourer, Sept. 11, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Aug. 10.

HAMMOND, JOSEPH WALTER, Hove, Sussex, builder, Sept. 16, Brighton. Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. Aug. 20.

HIGGS, JOSEPH, Tipton, Staffordshire, miner, Sept. 3, Dudley. Off. Ass. Walker; Sol. Malby, Dudley.—Pet. f. Aug. 18.

HOBBS, GEORGE, Gateshead, Durham, and Newcastle-upon-Tyne, commission agent, Sept. 10, Gateshead. Off. Ass. Ingledew; Sols. Scalf & Co., Newcastle-upon-Tyne.—Pet. f. Aug. 22.

HUNTER, WILLIAM, Preston, Lancashire, retail draper, Sept. 10, Preston. Off. Ass. Myres; Sol. Edleston, Preston.—Pet. f. Aug. 20.

HUGHES, GEORGE GRIFITHS, Liverpool, out of business, Sept. 11, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Aug. 10.

JOHN, RICHARD, Lampeter Velprey, Pembrokeshire, farmer, Sept. 18, Narberth. Off. Ass. Owen; Sol. Leacelles, Narberth.—Pet. f. Aug. 20.

LAW, JAMES WALKER, Sale, Cheshire, plumber, Sept. 4, Altrincham. Off. Ass. Porter; Sol. Gardner, Manchester.—Pet. f. Aug. 11.

LEAVER, WILLIAM HENRY, Redditch, Worcestershire, Sept. 7, Redditch. Off. Ass. Browning; Sol. Walford, Birmingham.—Pet. f. Aug. 17.

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All communications to be addressed to the Company's Offices at Exeter, indorsed "For London Agency Committee."

Exeter, Aug. 31, 1863.

WILLIAM CANN, Secretary.

## EQUITABLE REVERSIONARY INTEREST

SOCIETY, 10, Lancaster-place, Strand.

PERSONS desirous of DISPOSING of REVERSIONARY PROPERTY, LIFE INTERESTS, and LIFE POLICIES of ASSURANCE, may do so at this Office to any extent, and for the full value, without the delay, expense, and uncertainty of an auction.

Forms of Proposal may be obtained at the Office as above, and of Mr. Hardy, the Actuary of the Society, London Assurance Corporation, 7, Royal Exchange.

JOHN CLAYTON, } Joint Secs.  
F. S. CLAYTON, }

## DEBENTURES at 5, 5½, and 6 per CENT.—CEYLON COMPANY, LIMITED.

SUBSCRIBED CAPITAL, £350,000.

### DIRECTORS.

Chairman.—LAWFORD ACLAND, Esq.

Sir JAMES D. H. ELPHINSTONE, }  
Bart., M.P. } STEPHEN P. KENNARD, Esq.  
HARRY GEORGE GORDON, Esq. } PATRICK F. ROBERTSON, Esq.  
GEORGE IRELAND, Esq. } ROBERT SMITH, Esq.  
DUNCAN JAMES KAT, Esq. } Sir S. VALLIERE SUTHERS, K.B.

The Directors of the CEYLON COMPANY, LIMITED, being authorised by a Resolution of the Shareholders, at a General Meeting of the Company, held in London on the 4th day of April, 1863, to borrow a Sum of Money not exceeding the unpaid portion of their Subscribed Capital, are prepared to ISSUE DEBENTURES for one, three, and five years, at 5, 5½, and 6 per cent. respectively, and for longer periods, as may be specially arranged.

The Directors are also prepared to invest for Constituents, at Colonial Rates, Money on Mortgage in Ceylon and Mauritius, either with or without their guarantee, as may be arranged.

Applications for particulars to be made at the Office of the Company, No. 12, Leadenhall-street.

By Order,

JOHN ANDERSON, Secretary.

ESTABLISHED 1838.

## ALBERT FAMILY AND MEDICAL ENDOWMENT LIFE ASSURANCE COMPANY.

Principal Office—7, Waterloo-place, London.

Branch Offices.—At Calcutta, Madras, Bombay, Agra, and Hong Kong, with Agencies throughout the United Kingdom.

### POSITION, INCOME, AND PROGRESS OF THE COMPANY.

The accumulated Assets exceed . . . . . £700,000  
The subscribed Capital . . . . . 500,000  
The Annual Income from Life Premiums exceeds . . . . . 250,000  
The Policy Claims and Bonuses paid to Claimants, about . . . . . 1,000,000

The new business is progressing at the rate of about 30,000l. per annum.

The Company transacts the following description of business:—Life Assurance on Healthy and Diseased Lives, Annuities and Endowments of all kinds, India Risk Assurances, and Guarantee business; and confers upon Insurers great facilities and advantages, coupled with perfect security.

Special and peculiar features have been adopted in order to render the Company's Policies additionally valuable as securities, and to offer to the Insured means whereby their Policies may be saved from forfeiture.

Prospectuses, Forms of Proposal for Assurance, and every information may be obtained on application to any of the Society's Agents; or to the Secretary, at 7, Waterloo-place, London, S. W., to whom applications for agencies in places not efficiently represented may be addressed.

FRANK EASUM, Secretary.



## GAZETTES.—FRIDAY, Aug. 28.

## BANKRUPTS.

*To be heard in London.*

BIST, ALFRED THOMAS, Blomfield-street North, Grange-road, Dalston, assistant to a warehouseman, Sept. 9. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. Aug. 24.

BROOKER, JAMES, Charles-street, Brandon-street, Walworth, corn dealer, Sept. 7. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 21.

BURT, HUGH, Wray's-terrace, Old Bethnal-green-road, grocer, Sept. 9. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 25.

CLARK, THOMAS, Russell-street, Vassall-road, Camberwell New-road, cashier to a lamp manufacturer, Sept. 9. Off. Ass. Edwards; Sol. Cooke, 50, King-street, Cheapside.—Pet. f. Aug. 24.

COLBORN, CHARLES, Westbourne-park-villas-mews, Paddington, cab proprietor, Sept. 9. Off. Ass. Cannan; Sol. Vaughan, 61, Paddington-street, Marylebone.—Pet. f. Aug. 25.

CURRY, JOSEPH, Dover-place, New Kent-road, law clerk, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 25.

DELF, THOMAS, Henrietta-street, Covent-garden, and Guildford-street, Russell-square, bookseller, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

ELPHREE, HENRY, Ockendon-road, Southgate-road, Islington, commercial traveller, Sept. 7. Off. Ass. Cannan; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Aug. 24.

FIELDER, JAMES, Norbiton, Surrey, gardener, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

FITZGERALD, MICHAEL, King's-road, Chelsea, oilman, Sept. 9. Off. Ass. Cannan; Sol. Hare, 68, Basinghall-street.—Pet. f. Aug. 26.

GILBERT, JAMES, Fitzroy-square, picture dealer, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

GILLBEE, HENRY ARMITAGE, Marylebone-road, Marylebone, out of business, Sept. 9. Off. Ass. Cannan; Sol. Harrison, 61, Basinghall-street.—Pet. f. Aug. 26.

GRANT, RICHARD RAYMOND, Cottage-grove, Newington, in no business, Sept. 7. Off. Ass. Cannan; Sol. Pook, 27, Basinghall-street.—Pet. f. Aug. 24.

GRONOWSKY, JOSEPH, Sewardstone-road West, Victoria-park, waterproof clothing manufacturer, Sept. 7. Off. Ass. Cannan; Sol. Marshall, 36, Basinghall-street.—Pet. f. Aug. 24.

HASLAM, CHRISTOPHER, Braintree, Essex, grocer, Sept. 9. Off. Ass. Cannan; Sol. Duffield, Chelmsford, and 30, Cornhill.—Pet. f. Aug. 25.

HEATHERLEY, THOMAS, Weston-street, Pentonville, in no business, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

HEATLEY, THOMAS, Turnagain-lane, Farringdon-street, carpenter, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

HETHERINGTON, FLETCHER, Lewisham, Kent, and Old Fish-street, City, commission agent, Sept. 9. Off. Ass. Cannan; Sol. Howell, 61, Cheapside.—Pet. f. Aug. 25.

HIGGINSON, FRANCIS, Hampstead, retired commander in the Royal Navy, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

JACKSON, HENRY WILLIAM, Skinner-street, Snow-hill, tobacconist, Sept. 9. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. Aug. 26.

JARVIS, THOMAS, Earl's-court, Kensington, in no occupation, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

KAMMERER, GEORGE, Lombard-street, City, and Sutherland-street, Piccadilly, merchant, Sept. 9. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

MCNULTY, HUGH, Beccol-lane, Snow-hill, City, master mariner, Sept. 15. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

MICKLEBURN, SAMUEL SMITH, Kingston, Surrey, common brewer, Sept. 9. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. Aug. 24.

MOORE, GEORGE PIGOTT, Blackheath, carpenter, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

MORLEY, ROBERT, Wormwood-street, City, clerk, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 26.

NOLAN, EDWARD HENRY, Abingdon-villas, Kensington, author, Sept. 9. Off. Ass. Cannan; Sol. Voules, 16, Gresham-street.—Pet. f. Aug. 26.

OSBORNE, SAMUEL, Alfred-terrace, Queen's-road, Bayswater, crinoline manufacturer, Sept. 7. Off. Ass. Cannan; Sol. Clarke, 2, Stanley-place, Paddington-green.—Pet. f. Aug. 24.

PERKINS, GEORGE, Kidderminster, Worcestershire, schoolmaster, Sept. 9. Off. Ass. Cannan; Sol. Eaden, 10, Gray's-inn-square.—Pet. f. Aug. 24.

ROBBS, WILHELM ADWARD, Star-street, Shadwell, publican, Sept. 15. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

SALMON, WILLIAM, Battlesden, Sussex, out of business, Sept. 9. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Aug. 25.

SAUNDERS, JAMES HENRY, Crescent-place, Burton-crescent, commission agent, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

SHARP, SAMUEL, Eaton-square, schoolmaster, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

SUTTON, SAMUEL, Upper Park-place, Dorset-square, out of business, Sept. 9. Off. Ass. Cannan; Sol. Lewis, 22, Great Marlborough-street.—Pet. f. Aug. 26.

STELLE, ARCHIBALD, Little Britain, City, shoemaker, Sept. 9. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. Aug. 26.

WARD, THOMAS, South Lambeth-road and Laurence Pountney-lane, merchant, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

WEAVER, EDWARD, Regent-street, tailor, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

WEST, GEORGE, South-wharf-road, Paddington, carman, Sept. 9. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.

*To be heard in the Country.*

ALFLATT, EDWARD CHADD, Malvern Link, Worcestershire, architect, Sept. 11, Birmingham. Off. Ass. Kinnear; Sol. Wright, Birmingham.—Pet. f. Aug. 24.

ALLEN, JANE, Stalybridge, Cheshire, out of business, Sept. 17, Ashton-under-Lyne. Off. Ass. Worthington; Sol. Toy, Ashton-under-Lyne.—Pet. f. Aug. 27.

BANKS, THOMAS, Shap, Westmoreland, provision dealer, Sept. 18, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Arnison, Penrith.—Pet. f. Aug. 17.

BLACKWOOD, ABRAHAM, Liverpool, jewel cabinet case maker, Sept. 16, Liverpool. Off. Ass. Hime; Sol. Wynne, Liverpool.—Pet. f. Aug. 24.

BROCKLEY, JOSEPH, Hanley, Staffordshire, cabinet maker, Sept. 12, Hanley. Off. Ass. Challinor; Sol. Sutton, Burslem.—Pet. f. Aug. 26.

BROWN, JOHN, Poulton-with-Fearnhead, Lancashire, basket manufacturer, Sept. 17, Warrington. Off. Ass. Nicholson; Sol. Day, Warrington.—Pet. f. Aug. 11.

BRYANT, JOHN, Diss, Norfolk, tailor, Sept. 9, Eye. Off. Ass. Cheney; Sol. Cream, Eye.—Pet. f. Aug. 21.

BURGESS, WILLIAM, Combmartin, Devonshire, mason, Sept. 7, Barnstaple. Off. Ass. Bencraft; Sol. Bencraft, Barnstaple.—Pet. f. Aug. 22.

CARTER, ALICIA ANN, Bristol, out of business, Sept. 8, Bristol. Off. Ass. Acraman; Sols. Abbot & Co., Bristol.—Pet. f. Aug. 26.

COLEMAN, EDMUND, and COLEMAN, EDMUND CHARLES, Latham Wedmore, Somersetshire, tailors, Sept. 11, Bristol. Off. Ass. Acraman; Sols. Bailey, Blackford, near Wells; Henderson, Bristol.—Pet. f. Aug. 24.

CURRIE, GEORGE, Newmarket, Cambridgeshire, trainer of horses, Sept. 15, Newmarket. Off. Ass. Button; Sols. Whitehead & Co., Cambridge.—Pet. f. Aug. 18.

DAVIES, JOHN, Aberystwith, Monmouthshire, innkeeper, Sept. 11, Tredegar. Off. Ass. Shepard; Sols. Simons & Co., Merthyr Tydfil.—Pet. f. Aug. 25.

DYSON, JAMES, Sheffield, hosier, Sept. 9, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. Aug. 14.

EVESON, JAMES, and EVESON, ISAIAH, Woodside, near Dudley, Worcestershire, coke manufacturers, Sept. 21, Birmingham. Off. Ass. Whitmore; Sols. Richards & Co., Birmingham.—Pet. f. Aug. 24.

FOWLSTON, CHARLES, West Melton, near Rotherham, Yorkshire, tailor, Sept. 24, Rotherham. Off. Ass. Newman; Sols. Marsh & Co., Rotherham.—Pet. f. Aug. 26.

FRANCIS, FRANCIS CHARLES, Swansea, Glamorganshire, master mariner, Sept. 9, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Aug. 24.

FREE, THOMAS, Hughenden, Buckinghamshire, stone cutter, Sept. 8, High Wycombe. Off. Ass. Parker; Sol. Clarke, High Wycombe.—Pet. f. Aug. 22.

GREETHAM, HENRY AUGUSTUS, Landport, Hampshire, assistant to a photographer, Sept. 24, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. Aug. 25.

GREY, GEORGE, Exeter, boot maker, Sept. 9, Exeter. Off. Ass. Dav; Sol. Flood, Exeter.—Pet. f. Aug. 19.

HARRIS, GEORGE, Bridgwater, Somersetshire, butcher, Sept. 23, Bridgwater. Off. Ass. Lovibond; Sol. Barham, Bridgwater.—Pet. f. Aug. 25.

HEAVEN, HENRY, Westbury-upon-Trym, Gloucestershire, mason, Oct. 2, Bristol. Off. Ass. Harley; Sol. Hill.—Pet. f. Aug. 25.

HEDGEETHORN, JAMES, New Shoreham, Sussex, shipwright, Sept. 16, Brighton. Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. Aug. 24.

HILL, CHARLES, Bowling, near Bradford, Yorkshire, butcher, Sept. 10, Bradford. Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. Aug. 25.

HILL, SAMUEL, Totnes, Devonshire, grocer, Sept. 9, Exeter. Off. Ass. Hirtzel; Sols. Michelmore, Totnes; Hirtzel, Exeter.—Pet. f. Aug. 24.

HOWDEN, THOMAS, Sheffield, scale presser, Sept. 9, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. Aug. 11.

HUBBARD, JOHN, Foleshill, Warwickshire, brick maker, Sept. 8, Coventry. Off. Ass. Kirby; Sol. Griffin, Coventry.—Pet. f. Aug. 22.

JACKSON, JAMES, Wadnesbury, Staffordshire, grocer, Sept. 11, Birmingham. Off. Ass. Kinnear; Sols. James & Co., Birmingham.—Pet. f. Aug. 24.

KETTLE, ROBERT BAILEY, Spittlegate, Lincolnshire, plumber, Sept. 7, Grantham. Off. Ass. Winter; Sol. Mallin, Grantham.—Pet. f. Aug. 24.

LAMB, JOHN, Liverpool, corn dealer, Sept. 14, Liverpool. Off. Ass. Hime; Sols. Evans & Co., Liverpool.—Adj. Aug. 18.

LLOYD, SAMUEL, Birmingham, brass caster, Sept. 28, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Aug. 24.

MARRS, BENJAMIN, Cambridge, hardwareman, Sept. 5, Cambridge. Off. Ass. Eaden; Sols. Whitehead & Co., Cambridge.—Pet. f. Aug. 20.

MASSEY, JONATHAN, Macclesfield, Cheshire, music seller, Sept. 18, Manchester. Off. Ass. Herniman; Sols. Parrott & Co., Macclesfield.—Pet. f. Aug. 26.

MILBROY, THOMAS, Everton, near Liverpool, out of business, Sept. 16, Liverpool. Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. Aug. 24.

MURRAY, WILLIAM WILSON, Darlington, Durham, dealer in hardware, Sept. 18, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Griffith & Co., Newcastle-upon-Tyne.—Pet. f. Aug. 25.

[For continuation of Gazette, see p. 319.]

## CONTENTS.

London Gazettes.....	314
Leading Article .....	315
National Association for the Promotion of Social Science .....	318
Books Received .....	319
Statutes passed during the late Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

The Advocate-General of Bengal, App., Ranees Sunmoyee Dosses, Resp.—( <i>Hindus—Mahometans—Felo de se—Forfeiture of goods—Criminal law of England—Application to Hindus and Mahometans</i> ).....	877
---	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>In re Thin &amp; Flett, ex parte Alexander.</i> —( <i>Bankruptcy Act of 1861, sect. 197—Trust deed for benefit of creditors—Power of trustees under</i> ) ....	880
<i>Ex parte Morgan, in re Pennell.</i> —( <i>Bankruptcy Act, 1849, sect. 27—Registrar acting as deputy to commissioner</i> ) .....	881
<i>Woodward v. Woodward.</i> —( <i>Feme covert—Separate estate—Contract of loan to husband</i> ) .....	882

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

<i>In re Battersea Park Acts, in re Arnold.</i> —( <i>Vendor and purchaser—Compulsory powers—Conversion</i> ) .....	883
<i>In re Parker's Trust.</i> —( <i>Charity—Ecclesiastical benefice—Augmentation of living</i> ) .....	884
<i>Ponsardin v. Stear.</i> —( <i>Practice—Motion to dismiss</i> ) .	885
<i>In re Keynsham Company.</i> —( <i>Companies Act, 1862—Voluntary winding up—Injunction to restrain action by creditor</i> ) .....	885
<i>In re Robinson's Will.</i> —( <i>Trusts Acts, 1850 and 1852—Vesting order—Leaseholds</i> ) .....	885
<i>Broad v. Selfe.</i> —( <i>Mortgagor and mortgages—Agreement for collateral advantage</i> ) .....	885

## ROLLS COURT—(Continued).

<i>Sykes v. Sheard.</i> —( <i>Vendor and purchaser—Trust for sale with consent—Death of one of the parties to consent</i> ).....	886
<i>Troop v. Ricardo.</i> —( <i>Practice—Writ of audita querela</i> ) .....	887
The Official Liquidators of the Isle of Wight and Southampton Steam-boat Company (Limited) v. Rawlins.—( <i>Practice—Suit by limited company—Security for costs</i> ) .....	887

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

<i>Wilkins and Another v. Sibley.</i> —( <i>Marriage settlement—Branch of trust—Assignee of part of fund—Prior right of cestui que trust—Distingas and notice, effect of—Costs</i> ) .....	888
--	-----

## COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

The Radnorshire County Roads Board, Apps., Evans, Resp.—( <i>Turnpike road—"Wheel carriage"—Conveyance of "timber, stone, and other things"—3 Geo. 4, c. 128, s. 121</i> ) .....	890
<i>Banks, App., Goodwin, Resp.</i> —( <i>Appeal from justices—Transmission of case—When complete—20 &amp; 21 Vict. c. 43, s. 2</i> ) .....	891
<i>Attack v. Bramwell.</i> —( <i>Landlord and tenant—Irregular distress—Trespasser ab initio—Damages</i> ) .	892

## COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

<i>Hayman v. Flewker.</i> —( <i>Factors' Act, 5 &amp; 6 Vict. c. 39, s. 1—Agent, isolated employment of</i> ) .....	895
<i>Hopkins v. Hitchcock.</i> —( <i>Sale of goods—Brand</i> )....	896
<i>North and Others v. The London and North-western Railway Company.</i> —( <i>Railway company—Local Act, 4 &amp; 5 Will. 4, c. lxxxviii—Debt—Power to seize goods</i> ) .....	897

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

<i>Rogers v. Hadley and Another.</i> —( <i>Estoppel—Fraud—Parol evidence—Principal and agent</i> ) .....	898
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## THE JURIST.

LONDON, SEPTEMBER 5, 1863.

THE decision in *Grant v. Ellis* (9 M. & W. 113), that the 2nd section of the Statute of Limitations (3 & 4 Will. 4, c. 27) does not extend to rent reserved on an ordinary lease for years, having been generally acquiesced in and followed, and even confirmed by a decision in the House of Lords, we may be thought presumptuous, or at least unpractical, in questioning its soundness. But after the reversal of *Solarte v. Palmer* and of *Upfil's case*, the cause of principle against authority can never be pronounced hopeless. The statute, having premised that the word "rent" shall extend "to all heriots, and to all services and suits for which a distress may be made, and to all annuities and periodical sums of money charged upon or payable out of land (except moduses or compositions belonging to a spiritual or eleemosynary corporation sole)," enacts (sect. 2), that "no person shall make an entry or distress, or bring an action to recover any land or rent, but within twenty years after the time at which the right to make such entry or distress, or to bring such action, shall have first accrued," &c.; and in the 42nd section it enacts, "that no arrears of rent or interest, &c., shall be recovered by any dis-

tress, action, or suit, but within six years next after the same respectively shall have become due." In *Grant v. Ellis*, the Court of Exchequer, adopting a suggestion thrown out by the Court of Common Pleas, in *Paget v. Foley* (3 Scott, 125), held, "that the word 'rent' in the 2nd section of the statute cannot be taken as having any reference to rents reserved on leases for years, by contract between the parties, as the conventional equivalent for the right of occupation, but must be confined to rents existing as an inheritance distinct from the land, and for which before the statute the party entitled might have had an assise, such as ancient rent-service, for farm rents, or the like." It is not clearly to be inferred from the judgment, that the Court intended to go further than this, and to hold, that the 2nd section applies only to cases where the contest is between two persons who both claim title to the rent, and does not apply where the contest, even though it be in respect of a freehold rent, is between the owner of the rent and the person liable to pay it. But in *The Dean and Chapter of Ely v. Cash* (15 M. & W. 617, on a case sent by the Lord Chancellor, on appeal from the Master of the Rolls, who had decided in favour of the occupier, *The Dean of Ely v. Bliss*, 5 Beav. 574), the Court put a construction upon its decision in the former case, and held, that the remedy of an ecclesias-

tical corporation aggregate to recover tithes (which are included in the act under the word "land") was not barred, as between the titheowner and the occupier, by twenty years' discontinuance of receipt of the tithes. Alderson, B., said, "We think this question concluded by the authority of *Grant v. Ellis*. In that case, we construed the word 'rent,' in sect. 2, as confined to cases where an estate in the rent is claimed, and where the defendant sets up an adverse possession of the rent itself\* for twenty years as an answer to the plaintiff's claim. There, as here, the word 'rent' had an ambiguous meaning, being either the estate in the rent, or the rent reserved under a lease; and we held, that in this section it was confined to the former meaning alone, and that a mere non-receipt of rent, under a lease for more than twenty years, did not deprive the lessor of his right to rent under the lease. Here, by the interpretation clause, it is provided, that the word 'land' includes tithes; but 'tithes' is, like 'rent,' ambiguous; it may mean either the estate in the tithes, or it may mean the chattel itself, the fruits of the estate. We find it, however, included under the word 'land,' and no one doubts that the word 'land,' in its proper sense, applies only to cases in which there are two persons, each claiming an estate in the land adverse to the other. We, therefore, think we ought to confine the operation of the section to cases where there are two parties, each claiming an adverse estate in the tithes. Therefore, a person who has received no tithes for twenty years cannot recover the possession of them from another who has for twenty years received those tithes from the terre-tenant. This construction reconciles the 3 & 4 Will. 4, c. 27, s. 2, with Lord Tenterden's Act for shortening the time of prescription in such cases, and for limiting it, in the case of tithes, to a period of sixty years and three incumbrances; for Lord Tenterden's Act clearly applies to tithes as a chattel, and provides a limitation to protect the terre-tenant in his prescriptive mode of rendering them to the clergyman or titheholder†."

\* In *James v. Salter* (4 Scott, 168; 9 Bing. N. C. 544), however, the mere non-receipt of a rent-charge for twenty years was held a bar, under the 2nd section. (See *Searle v. Cott*, 1 Y. & C. C. C. 36).

† As to this, see the observations of Lord Langdale, where the case was before him (5 Beav. 582), and *Paget v. Foley* (3 Scott, 121; 2 Bing. N. C. 688). There is no need to reconcile the acts. Their objects are essentially different. An improprator sues for tithes or for a modus. The terre-tenant answers, that no tithe or modus has been rendered within twenty years. That is an answer, as we contend, by virtue of the Statute of Limitations. If, on the other hand, the terre-tenant proves that a modus or composition has been accepted during sixty years, that is an answer, under Lord Tenterden's Act, establishing a qualified exemption by prescription—not a loss of title on the part of the improprator. Lord Tenterden's Act applied the same rule to claims of total exemption, but that was because such claims were also founded on prescription, which was the matter under regulation. Tithes not belonging to an ecclesiastical or eleemosynary corporation sole are subject to the same considerations as rent and other periodical renders. And it would have been as great an anomaly to except them from the operation of the Statute of Limitations, as it would have been to anticipate that statute with reference to impropriate tithes alone, in the Prescription Act.

We rub our eyes, and refer again to the 2nd section. Still we read, "No person shall make an entry or distress, or bring an action to recover any land or rent, but within" &c. If the land of Z. is charged with a rent of 100*l.* a year, and Z., thinking that the rent belongs to A., pays 100*l.* a year to him, and both deny the title of another claimant, B., how does B. proceed? By action or by distress. If by action, does he sue A.? If by distress, does he distrain upon the land of A.? How is it possible for any question to arise between A. and B. with respect to a rent charged upon the land of Z.? The construction adopted by the Court of Exchequer would wholly deprive the 2nd section of operation upon claims of rents, with the single exception, perhaps, of heriots, for to enact that "a person who has not received his rents within twenty years shall not recover the possession of them from another who has for twenty years received the rent from the terre-tenant," is to beat the air. The person who, without title, receives money in the name of rent, does not thereby become liable to the owner of the rent, whose only remedy is against the person or the land charged with the render, and is founded, not on the wrongful render to a stranger, but on the non-render to himself. This observation does not apply so completely to tithes, for which ejectment will lie against a stranger taking them after they are severed. (32 Hen. 8, c. 37; *Baldwin v. Wise*, Sir W. Jones, 321; *Camell v. Clavering*, *Ld. Raym.* 789; 11 Rep. 25).

Taking the two cases together, it appears that the Court of Exchequer meant to decide that the 2nd section does not apply where a rent (whether it be a rent-charge, ancient rent-service, heriot, rent-service on a lease for years, or other periodical render, within the 1st section) is claimed from the party liable to render it, and no render has been made to a third person wrongfully claiming title. In *Doe d. Angell v. Angell* (9 Q. B. 355) the Court of Queen's Bench went further, and, on the authority of *Grant v. Ellis*, laid it down, without any qualification, that in the 2nd, 3rd, 4th, 5th, and 7th sections, and in the 9th section, where it is used to denote the subject-matter of the enactment, the word "rent" means "rent-charge" only. It is submitted that the doctrine we have attributed to the Court of Exchequer is contrary to authority, and irreconcilable with the terms and spirit of the act. (See *James v. Salter*, 4 Scott, 168). If it be correct, the Legislature has, on no conceivable ground, and after taking express and particular notice of the different kinds of rent, omitted to limit the period within which a rent-charge in fee may be recovered; for no other section is applicable to the case; sect. 42 merely limits the amount of arrears to be recovered. Accordingly the Court of Exchequer itself has subsequently, in the case of *Owen v. De Beauvoir* (16 M. & W. 547), held, that the 2nd section (as explained by the 34th, which extinguishes the title at the end of the period of limitation) does extinguish the title of the lord of a manor to an ancient rent payable by a freeholder of the manor after twenty years' discontinuance of receipt, without any wrongful payment made to a third person. In so deciding, the Court seems to have been unconscious that it was overruling

*Grant v. Ellis* and *Ely v. Oak*. The decision in *Owen v. De Beauvoir* (which was confirmed in the Exchequer Chamber (*De Beauvoir v. Owen*, 5 Exch. 166)) is (so far as it concerns the question under discussion\*) clearly correct, and it disposes of the most important of the grounds on which the Court relied in the other two cases.

It remains to notice the reasons given in the judgment in *Grant v. Ellis*. They were, first, that so far as relates to land, the word "recover" in the 2nd section means the same thing as *obtain possession or seisin of*, assuming one person to be in wrongful seisin or possession of land to which another has the right, and it must have the same meaning in respect of the other subject—rent. And though there cannot be, strictly, any wrongful adverse seisin or possession of rent by another, yet before the act, "a party seised of rent, whether rent-service, rent-charge, or rent-rack, might, in case the rent was paid to another or withheld from himself, consider himself, if he thought fit, as being disseised of such rent;" and by the judgment he was to recover seisin. "Now, we are of opinion, that it is to this sort of recovery only that the 2nd section has reference, for such is clearly the meaning of the word 'recover' when used with reference to land." A singular argument to use in the construction of an act which abolished the action of assise and all other actions for recovery or assertion of title or seisin, as distinguished from actions for recovery of possession merely! But this part of the judgment contains its own answer, for it admits that an assise would lie upon the rent being merely withheld. The reason that an assise lay for a rent-service reserved upon a lease for life, but not upon a lease for years, was simply that there could be seisin of a rent for life but not of a rent for years, and consequently that writ which gave the remedy for a disseisin had no application in the latter case. But that no assise lay to recover possession of an estate for years, and no seisin could be recovered of such an estate, is scarcely a reason for excluding persons from the operation of the principal enactment of a statute, which included in its policy and effect the abolition of all actions in which seisin is recovered. There is no disseisin of a rent-service by simple denial†, and the owner of a rent-service in fee, which is merely withheld, does not by distraining recover seisin of the rent, for he has never been disseised. But *Owen v. De Beauvoir* decides, that the 2nd section may be a bar to a distress under such circumstances, and therefore not made to "recover" the rent, within the principle of *Grant v. Ellis*. Now, putting disseisin out of the question, a landlord "recovers" a rent-service reserved on a lease

for years, in precisely the same way as the lord of a manor in respect of his seignory, recovers by distress, a rent-service reserved on a feoffment prior to the statute *Quia emptores*. And tithes are recovered from the occupier in the same sense in which an ancient rent-service is recovered from the tenant.

The second reason was, that when the 3rd section, which is explanatory of the 2nd, speaks of the estate or interest claimed, it cannot refer to a claim by a person entitled on a common lease for years, who "has no estate at all in the rent." (*Prescott v. Boucher*, 3 B. & Ad. 849). He is entitled to the rent when it from time to time becomes due, as being an incident to his reversion, and not because he has any estate in the rent itself." The reversioner on a lease for life has an estate in the rent reserved, of which he may be disseised. The reversioner on a lease for years has an estate in the rent reserved in the same sense, except that, not being freehold, it is not subject to disseisin. But *Owen v. De Beauvoir* is a conclusive answer to this argument; for there the 2nd section was held to apply to a proceeding in which it was not sought to recover seisin, because the claimant had never been disseised. All that *Prescott v. Boucher* decided was, that a tenant in fee who leases for years at a rent, is not "tenant in fee" of the rent, within the words of the 32 Hen. 8, c. 37, which was not deciding much. The Court went out of its way to add, that the reversioner was not tenant at all of the rent. But unless they meant merely that he had no seisin of it, it is impossible to say what they did mean.

*Owen v. De Beauvoir* also disposes of the argument in *Grant v. Ellis*, derived from the use of the words "arrears of rent," in the 42nd section; for these words clearly include arrears of rent-service in fee, rent-charge, &c. In *Payet v. Foley* (3 Scott, 135), Tindal, C. J., suggested that the 42nd section did not apply to rent-service. (See *Strachan v. Thomas*, 12 Ad. & El. 558\*). The distinction between the language used in the 2nd from that in the 42nd section, with respect to rent, was necessary to express the different objects of those sections. The 2nd section bars and (with the aid of the 34th section) extinguishes the right to recover any rent under the circumstances prescribed; the 42nd, limits the amount of rent recovered by a claimant who succeeds in shewing that his title is *not* barred, to the arrears for six years.

The two other reasons were, that a different construction would enable the tenant, if, after twenty years' non-payment of rent, more than twenty years of the term remained unexpired, to defeat the landlord's right of entry on the expiration of the term, by payment of rent to a stranger wrongfully claiming the reversion, without any possibility of interference by the true owner (sect. 9); and that it would also lead to this incongruity, that the landlord's remedy for rent would be barred, while the remedies of either party under any covenant or condition contained in the lease would remain. This last seems to be a very fanciful and slender objection, and is conclusively answered by *Hunter v. Nockolds* (1 Mac. & G. 640) and *Arnott v. Holden* (18 Q. B. 593), &c. The tenant would incur a forfeiture by paying rent to a stranger wrongfully claiming the reversion, though it might be difficult or impossible on the part of the landlord to discover or prove the fact. A like incongruity (if it be one) results from the decision in *Owen v. De*

\* The construction adopted by the Court in that case, that the commencement of the discontinuance of the receipt of rent is always the date of the last payment, seems to be wrong. If at Lady-day I receive the rent due on that day, how can I be said to discontinue the receipt of my rent until another payment becomes due, and is not received?

† An assise lay for rent whenever it was withheld, after seisin had once been had. (Fitz. N. B. 179). A mere denial of a rent-service was no disseisin, because the lord could distrain of common right. "There be three causes of disseisin of rent-service, that is to say, rescous, replevin, and enclosure. Rescous is, &c.; and the cause why such things so done be disseisins made to the lord, is for this—that by such things the lord is disturbed of the means by which he ought to have come to his rent, scil. of the distress." (Litt. s. 237). Coke adds two other disseisins of a rent-service, each of which amounts to a denial on record; and Littleton afterwards mentions a sixth. But denial of a rent-charge was a disseisin. "There be four causes of disseisin of a rent-charge, scil. rescous, replevin, enclosure, and denial, for denial is a disseisin of a rent-charge, as is said before of a rent-seck." (Litt. s. 238).

\* Where a rent is secured by covenant, the title to the rent may be barred by the statute, and yet the remedy on the covenant remain, according to the now settled principle of construing the 3rd section of the stat. 3 & 4 Will. 4, c. 42, which allows a new period of twenty years for each new breach. (*Arnott v. Holden*, 18 Q. B. 593; *Manning v. Phelps*, 10 Exch. 50).

*Beauvoir*, under which a tenant may be discharged from his quit-rent or heriots, while he remains liable in respect of all other rents and service. The suggested hardship of leaving the title to the reversion unprotected, amounts to this only, that a lessor who neglects for twenty years to recover a rent of substantial value, must take into account that he is endangering his title to a remote reversion as well as to a present rent. No one who is acquainted with the risk and inconvenience arising from the possibility of dormant titles to reversions expectant on long leases (so common in the northern counties), would hesitate to applaud the policy of an enactment having the effect deprecated by the Court of Exchequer. But however the hardship may be estimated, it is submitted that it affords no reason for introducing an exception to a plain enactment which is in terms wholly unqualified. The same hardship might arise upon a lease for life; and it is to be remembered that the wrongful payment of rent may be concurrent with the discontinuance of its receipt by the rightful owner, so that the application of the 2nd section to the case of rent on a lease for years would be merely to add to the risk that the landlord may, after twenty years' non-payment of rent, find that his reversion is then actually transferred to another, this further risk—that if his reversion then happens to remain unbarred, it may possibly be barred by an act to be done at any time while it has still twenty years to wait.

This extended discussion of the cases of *Grant v. Ellis* and *Ely v. Cash* seemed to be justified by their importance. It is submitted, that the doctrine of these cases is unsound; and if it would confine the operation of the 2nd section, in respect of rents and tithes, to those cases where the rent or tithe has been wrongfully received by a stranger, is contrary to the authority of *James v. Salter*, and overruled by *De Beauvoir v. Owen*; and if it would exclude rents-service of freehold from that section, is overruled by the latter case; and that so much of the reasoning on which it is based as is not contradicted by those authorities, and might, consistently with them, remain applicable to rents reserved on leases for years, is unworthy to be put into competition with the plain words of the act.

We have not noticed the judgment of Lord St. Leonards in *The Dean of Ely v. Bliss* (2 De G., Mac., & G. 459), where (against the opinion of Maule, J.) he adopted the construction of the Court of Exchequer, because it adds nothing to the arguments we have discussed, and is, indeed, not worthy of the reputation of that distinguished judge. We may add, that the decision in that case was followed in *Bunbury v. Fuller* (9 Exch. 128).

In *Archbold v. Scully* (7 Jur., N. S., part 1, 1169; 9 H. L. C. 360), the exact point decided in *Grant v. Ellis*,—that the 2nd section does not extend to rent reserved on a lease for years—was acted upon without discussion, as established law—but the other questions discussed above still remain to be settled by the Court of ultimate appeal.

#### NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

THE seventh annual meeting of this Society, of which Lord Brougham is President, will be held in Edinburgh, commencing on the 7th and ending on the 24th October in the present year.

The six departments will be as usual, namely:—1. Jurisprudence; 2. Education; 3. Punishment and Reformation; 4. Public Health; 5. Social Economy; 6. Trade and International Law.

In both programmes issued by the Society, we are informed that under the first of these heads, papers are invited on the following subjects, which will have preference over others:—

#### "I. PRINCIPLES OF JURISPRUDENCE AND LEGISLATION.

#### "II. METHOD OF LEGISLATION.

"Minister of Justice.—Codification, and how to regulate the Development and Authentication of Case Law.—Revision and Consolidation of the Statute Law of Scotland antecedent to the Union.—Judicial Statistics.

#### "III. ADMINISTRATION OF JUSTICE.

"Organization and Discipline of the Legal Profession.—Scotch Action of Declarator, its Uses and Abuses.—English and Scotch Law of Prescription and Limitation of Actions.—Law of Evidence in Civil Cases.—Law of Evidence in Criminal Cases.—Jury Trial.—Execution in one Division of the Kingdom of Judgments and Decrees pronounced in another.—Public Prosecutors.—Coroners' Inquests, ought they to be introduced into Scotland?—Preliminary Investigation in Criminal Cases, ought they to be Public or Private?—Appeal in Criminal Cases.

#### "IV. LAWS RELATING TO PROPERTY.

"The 17th Section of the Statute of Frauds.—Succession to Property, and Restrictions on its Disposition.

#### "V. LAWS RELATING TO PERSONAL RIGHTS.

"Law of Marriage, Legitimation, and Divorce.—Law of Libel and Slander."

And under the latter—

"The Metrical System of Weights and Measures. Acclimatization of Animals and Plants.—Conditions of Agricultural Success.—The Iron Trade and its Statistics.—Scotch Banking.—Trade, Manufactures, and Fisheries of Scotland.—Limited Liability as applicable to Partnerships.—Capture and Destruction of Private Property at Sea by Belligerents.—Laws of Blockade and Contraband."

No paper, it seems, must occupy in reading more than twenty minutes.

It is, of course, with departments 1 and 6 that we are chiefly interested. Few things are more needed at the present day than sound views on jurisprudence in general, and international law in particular. We hope that several valuable papers on both will be read at the approaching meeting; and that the authors will avoid the temptations to which, in treating these subjects, especially the latter, they will almost necessarily be exposed, of straying into the region of politics on the one hand, or of mere practice on the other.

The Queen has been pleased to direct letters-patent to be passed under the Great Seal of the United Kingdom of Great Britain and Ireland, appointing Sir James Plaistow Wilde, Knt., one of the Barons of the Court of Exchequer, to be Judge of her Majesty's Court of Probate.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Edward Martin Wright, Gent., of Bacup, Lancashire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Lancaster.

## BOOKS RECEIVED.

**Madras High Court Reports.**—Reports of Cases decided in the High Court of Madras in 1862 and 1863. By WHITLEY STOKES, Esq., of the Inner Temple, Barrister-at-Law. Vol. 1, part 1.—Madras: Graves, Cookson, & Co.

**Highway Law.**—A Manual for the use of Waywardens, Clerks, and Surveyors: to which are added Notes, Forms, Cases, and Statutes; Hints as to Road-making, and a complete System of the Accounts necessary to be kept. By Hiram A. Owston. Author of 'The Highway Act, 1862; its Objects and Uses,' &c.—Blackwood & Sons, Edinburgh and London, 1863.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed John Fenwick, Gent., of North Shields, Northumberland, to be a Commissioner to administer oaths in the High Court of Chancery in England.

PETHICK, STEPHEN, Stoke Damerel, Devonshire, builder, Sept. 9, Exeter. Off. Ass. Daw; Sol. Floud, Exeter.—Pet. f. Aug. 19.  
 POLLITT, THOMAS, Hulme, Manchester, Sept. 21.—Manchester. Off. Ass. Kay; Sol. Gardner, Manchester.—Pet. f. Aug. 29.  
 POLLITT, WILLIAM, Hulme, Manchester, Sept. 21, Manchester. Off. Ass. Kay; Sol. Gardner, Manchester.—Pet. f. Aug. 19.  
 PRICE, MARY GUNSTON, Bratton, Wiltshire, farmer, Sept. 9, Westbury. Off. Ass. Pinniger; Sol. Bartrum, Bath.—Pet. f. Aug. 6.  
 RHODES, GEORGE, Ilkeston, Derbyshire, colliery agent, Sept. 10, Belper. Off. Ass. Ingle; Sol. Fletcher, Nottingham.—Pet. f. Aug. 21.  
 ROWCA, FRANK, Birmingham, Sept. 21, Birmingham. Off. Ass. Whitmore; Sols. Hawkes & Co., Southwark; Hodgson & Co., Birmingham.—Pet. f. Aug. 14.  
 ROONEY, JOHN, Liverpool, grocer, Sept. 15, Liverpool. Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. Aug. 22.  
 ROWLAND, THEOPHILUS, Dover, Kent, watchmaker, Sept. 8, Dover. Off. Ass. Greenhow.—Adj. Aug. 17.  
 SAWTELL, EDWIN, Sheffield, combmaker, Sept. 9, Sheffield. Off. Ass. Wake; Sol. Binney, Sheffield.—Pet. f. Aug. 25.  
 SHIFFAM, JOSEPH, Nottingham, greengrocer, Oct. 7, Nottingham. Off. Ass. Patchitt; Sols. Cowley & Co., Nottingham.—Pet. f. Aug. 24.  
 STAPLETON, WILLIAM, St. Stephen's-by-Launceston, Cornwall, blacksmith, Sept. 11, Launceston. Off. Ass. White; Sol. Peter, Launceston.—Pet. f. Aug. 24.  
 THOMAS, WILLIAM, Troedyrhiw, near Merthyr Tydfil, Glamorganshire, postmaster, Sept. 8, Merthyr Tydfil. Off. Ass. Russell; Sol. Piewa, Merthyr Tydfil.—Pet. f. Aug. 26.  
 THORNTON, GEORGE, Altrincham, Cheshire, saddler, Sept. 9, Manchester. Off. Ass. Pott; Sols. Rowley & Co., Manchester.—Pet. f. Aug. 25.  
 TYE, ROBERT, Spalding, Lincolnshire, watchmaker, Sept. 16, Spalding. Off. Ass. Bonnor; Sol. Selby, Spalding.—Adj. June 9.  
 WILES, DANIEL, Walsall, Staffordshire, cabinet-maker, Sept. 7, Walsall. Off. Ass. Clarke; Sol. Wilkinson, Walsall.  
 WILLIAMS, REKA, Presteign, Radnorshire, tailor, Sept. 11, Bristol. Off. Ass. Miller; Sols. Stephens, Presteign; Bevan, Bristol.—Pet. f. Aug. 26.  
 WILLIAMS, THOMAS, Pantych, Glamorganshire, builder, Sept. 8, Bristol. Off. Ass. Miller; Sol. Henderson, Bristol.—Pet. f. Aug. 26.  
 WINGBOVE, JOHN, Peterborough, Northamptonshire, fishmonger, Sept. 12, Peterborough. Off. Ass. Gaches; Sol. Bell, 3, Great James-street.—Pet. f. Aug. 20.  
 YATES, HENRY, Sheffield, joiner, Sept. 9, Sheffield. Off. Ass. Wake; Sol. Binney, Sheffield.—Pet. f. Aug. 26.

## BANKRUPTCIES ANNULLED.

ARNOLD, ISAAC, Shaftesbury and Yarmouth, Isle of Wight, builder.  
 COLLINS, JUDAH, Guildford-street, Russell-square, surgeon.  
 FIANDER, EDWIN JOHN, Brick-street, Park-lane, Piccadilly, builder.  
 FRANKERT, AUGUSTUS FRANCIS RICHARD, Guildersfield, Streatham, Surrey, and Cannon-street, City, bristle merchant's clerk.

TUESDAY, Sept. 1.

## BANKRUPTS.

To be heard in London.

ASPINWALL, WILLIAM, Grosvenor-street, Bond-street, upholsterer, Sept. 11. Off. Ass. Cannan; Sol. Fearpoint, 50, Leicester-square.—Pet. f. Aug. 28.  
 HAMMOND, WILLIAM FRANCIS, Ealing, Middlesex, and Carey-street, Lincoln's-inn-fields, auctioneer, Sept. 15. Off. Ass. Cannan; Sol. Clarke, 2, Stanley-place, Paddington-green.—Pet. f. Aug. 28.  
 LACY, JOHN, Cornhill, insurance broker, Sept. 15. Off. Ass. Graham; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. Aug. 25.  
 LATHAM, ROBERT GORDON, New Malden, Kingston-upon-Thames, Surrey, doctor of medicine, Sept. 15. Off. Ass. Cannan; Sol. Meymott, 4, Albion-place, Blackfriars-road.—Pet. f. Aug. 29.  
 LOSE, CHARLES, and RALFE, FREDERICK WHITEFIELD, Mincing-lane, colonial brokers, Sept. 15. Off. Ass. Cannan; Sol. Kaye, 67, Mark-lane.—Pet. f. Aug. 27.

M'KAY, CHARLES PALMER, De Beauvoir-road, Kingsland, salesman to an upholsterer, Sept. 15. Off. Ass. Cannan; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. Aug. 27.  
 MILLER, WILLIAM FENNET, Winchester, Hampshire, clerk to an estate agent, Sept. 15. Off. Ass. Cannan; Sols. Harrison & Co., 24, Old Jewry; Rawlings, Winchester.—Pet. f. Aug. 28.  
 SOUTH, THOMAS, Talbot-road, Notting-hill, stonemason, Sept. 15. Off. Ass. Cannan; Sol. Sloper, 11, Bishopsgate-street Without.—Pet. f. Aug. 26.  
 STANLEY, JOHN, High-street, Wapping, wine merchant, Sept. 15. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Aug. 21.  
 TATTERBALL, JOHN, Queen-street, Edgeware-road, builder, Sept. 15. Off. Ass. Cannan; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. Aug. 29.  
 WALKER, CALEB, Spring-street, Sussex-square, Hyde-park, wine merchant, Sept. 15. Off. Ass. Cannan; Sol. Allen, 64, Chancery-lane.—Pet. f. Aug. 27.  
 WEEKS, WILLIAM HENRY RUDDOCK, Paternoster-row, and Craven-terrace, Upper Holloway, bookseller, Sept. 15. Off. Ass. Cannan; Sol. Shiers, 5, New-inn, Strand.—Pet. f. Aug. 29.  
 WOODSON, HENRY, Commercial-street, Whitechapel, and York-street, Covent-garden, potato salesman, Sept. 15. Off. Ass. Cannan; Sol. Poole, 58, Bartholomew-close.—Pet. f. Aug. 28.

## To be heard in the Country.

ADAMSON, JOSEPH, Wakefield, Yorkshire, malster, Sept. 14, Leeds. Off. Ass. Carrick; Sols. Barratt, Wakefield; Carriss & Co., Leeds.—Pet. f. Aug. 27.  
 BALLER, SAMUEL, Worcester, plumber, Sept. 18, Birmingham. Off. Ass. Kinnear; Sol. Wilson, Worcester.—Pet. f. Aug. 28.  
 BARFOOT, FREDERICK DIXON, Newport, Monmouthshire, accountant, Sept. 22, Newport. Off. Ass. Roberts; Sol. Wade, Newport.—Pet. f. Aug. 28.  
 BARR, ANDREW WILLIAM, Brighton, cattle agent, Sept. 3. Off. Ass. Blaker; Sol. Goodman, Brighton.—Pet. f. Aug. 22.  
 BARRETT, GEORGE, Birmingham, electro plater, Sept. 28, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. Aug. 25.  
 BATLISSE, WILLIAM, Hereford, plumber, Sept. 21, Birmingham. Off. Ass. Whitmore; Sols. Symonds, Hereford; Wright, Birmingham.—Pet. f. Aug. 26.  
 BIRD, WILLIAM, Runtun, Norfolk, wheelwright, Sept. 14, Holt. Off. Ass. Wilkinson; Sol. Drake, East Dereham.—Pet. f. Aug. 26.  
 BOOTH, JAMES, and WRIGLEY, THOMAS, Saddleworth, Yorkshire, cotton doublers, Sept. 22, Saddleworth. Off. Ass. Summerscales; Sol. Richardson, Manchester.—Pet. f. Aug. 25.  
 BOYER, DAVID, Boston, Lincolnshire, grocer, Sept. 9, Boston. Off. Ass. Standland; Sol. Bean, Boston.—Pet. f. Aug. 26.  
 BULL, FREDERICK, Barton under Needwood, Staffordshire, farmer, Sept. 18, Birmingham. Off. Ass. Kinnear; Sol. Smith, Birmingham.—Pet. f. Aug. 26.  
 CAINE, EDWARD, Wolverhampton, Staffordshire, wheelwright, Sept. 23, Wolverhampton. Off. Ass. Brown; Sol. Cresswell, Wolverhampton.  
 CARTER, JOHN, Liverpool, licensed victualler, Sept. 15, Liverpool. Off. Ass. Morgan; Sol. Best, Liverpool.—Pet. f. Aug. 28.  
 COOK, GEORGE, Chorley, Lancashire, draper, Oct. 1, Chorley. Off. Ass. Part; Sol. Wilson, Chorley.—Pet. f. Aug. 27.  
 COULTAS, SOUTHWELL, Scarborough, Yorkshire, tailor, Sept. 11, Scarborough. Off. Ass. Coulson; Sol. Cornwall, Scarborough.—Pet. f. Aug. 19.  
 COULTON, FRANCES, Lincoln, licensed victualler, Sept. 10, Lincoln. Off. Ass. Uppeley; Sols. Brown & Co., Lincoln.—Pet. f. Aug. 27.  
 COURTNEY, WILLIAM, Woodbury, Devonshire, blacksmith, Sept. 12, Exeter. Off. Ass. Daw; Sol. Floud, Exeter.—Pet. f. Aug. 29.  
 CROSS, JOSEPH, Bilston, Staffordshire, butcher, Sept. 28, Wolverhampton. Off. Ass. Brown; Sol. Stratton, Wolverhampton.  
 ELTON, THOMAS, Birmingham, out of business, Sept. 23, Birmingham. Off. Ass. Guest.—Pet. f. Aug. 18.  
 FIELD, WILLIAM, Brighton, cabinet maker, Sept. 3, Lewes. Off. Ass. Blaker; Sol. Goodman, Brighton.—Pet. f. Aug. 18.  
 GOLDSMITH, JOHN, Fitching, Sussex, licensed victualler, Sept. 4, Lewes. Off. Ass. Blaker; Sol. Goodman, Brighton.—Pet. f. Aug. 27.  
 HAGUE, WILLIAM, Balsall-leath, Worcestershire, and Birmingham, agent for fire and life insurance companies, Sept. 18, Birmingham. Off. Ass. Kinnear.—Pet. f. Aug. 25.  
 HILL, JOSEPH, Newcastle-under-Lyme, Staffordshire, insurance agent, Sept. 15, Newcastle-under-Lyme. Off. Ass. Slaney; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. Aug. 29.  
 IYONHAM, LAWE, Elton, Cheshire, agent to a cheese factor, Sept. 15, Liverpool. Off. Ass. Morgan; Sols. Snowball & Co., Liverpool.—Pet. f. Aug. 29.  
 JACKSON, JOHN, Willenhall, Staffordshire, keysmith, Sept. 28, Wolverhampton. Off. Ass. Brown; Sol. Walker, Wolverhampton.  
 KATN, WILLIAM JAMES, Birmingham, retail brewer, Sept. 28, Birmingham. Off. Ass. Guest.—Pet. f. Aug. 18.  
 KNATTE, THOMAS WILLIAM, Birmingham, out of business, Sept. 28, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Aug. 25.  
 KING, HARRY JAMES, Swansea, Glamorganshire, out of business, Sept. 11, Bristol. Off. Ass. Acraman; Sols. Simons & Co., Swansea.—Pet. f. Aug. 28.  
 LEA, WILLIAM, Hockley, Warwickshire, milkman, Sept. 28, Birmingham. Off. Ass. Guest.—Pet. f. Aug. 18.  
 MANTON, THOMAS HENRY, Birmingham, retail brewer, Sept. 28, Birmingham. Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Aug. 25.  
 MILLS, MARY, Rossendale, Lancashire, baker, Sept. 15, Bacup. Off. Ass. Hall; Sol. Watson, Bacup.—Pet. f. Aug. 26.  
 MORGAN, WILLIAM, Birmingham, general dealer in skins, Sept. 28, Birmingham. Off. Ass. Guest.—Pet. f. Aug. 18.  
 NISBOUR, WILLIAM HENRY, Brighton, musician, Sept. 3, Lewes. Off. Ass. Blaker; Sol. Goodman, Brighton.—Pet. f. Aug. 3.  
 OGILVIE, LITTLE, Workington, Cumberland, grocer's traveller, Oct. 8, Cockermouth. Off. Ass. Waugh; Sol. Moordaff, Cockermouth.—Pet. f. Aug. 10.



FRANCE, THOMAS, Illogan, Cornwall, miner, Sept. 12, Redruth. Off. Ass. Peter.—Adj. July 8.  
 PRASCOB, ISAAC, Illoby, Cumberland, innkeeper, Sept. 16, Penrith. Off. Ass. Varty; Sol. Little, Penrith.—Pet. f. Aug. 28.  
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 STREET, FRANCIS JOHN, Birmingham, plane maker, Sept. 28, Birmingham. Off. Ass. Guest.—Pet. f. Aug. 18.  
 THOMPSON, ROBERT, Whitehaven, Cumberland, finishing potter, Sept. 10, Whitehaven. Off. Ass. Hodgkin; Sol. Donald, Carlisle.—Adj. Aug. 27.  
 TIMMINS, WILLIAM, Kingswinford, Staffordshire, miner, Sept. 29, Stourbridge. Off. Ass. Harward; Sol. Bedford, Stourbridge.—Pet. f. July 27.  
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DALE, WILLIAM, Stanway, Essex, out of business, Sept. 19, Colchester. Off. Ass. Barnes; Sols. Jones, Colchester.—Pet. f. Aug. 12.

DARGUE, HARRISON, Wetheral, Cumberland, schoolmaster, Oct. 20, Carlisle. Off. Ass. Hulton; Sols. Ostell, Carlisle.—Pet. f. Aug. 29.

DARRACOTT, WILLIAM HENRY, Northam, Devonshire, out of business, Sept. 16, Bideford. Off. Ass. Rooker; Sols. Boncraft, Barnstaple.—Pet. f. Aug. 29.

DEBLOW, LOUIS, Penrith, Cumberland, watchmaker, Sept. 17, Penrith. Off. Ass. Varty; Sols. Scott, Penrith.—Pet. f. Aug. 31.

DERRICK, JOHN, Nottingham, shopkeeper, Oct. 7, Nottingham. Off. Ass. Patchitt; Sols. Maples, Nottingham.—Pet. f. Aug. 26.

FARNER, JOHN, Cross-walk, Lye Waste, Worcestershire, miner, Sept. 29, Stourbridge. Off. Ass. Harward; Sols. Corles, Worcester.—Pet. f. Aug. 26.

FITCH, SAMUEL HILL, and CARR, FREDERICK JOHN, Nottingham, lace manufacturers, Sept. 23, Nottingham. Off. Ass. Harris; Sols. Heath, Nottingham.—Pet. f. Sept. 1.

FORD, JOHN, Trarnore, Cheshire, china dealer, Sept. 30, Birkenhead. Off. Ass. Gill.—Adj. Aug. 19.

GRAY, JOHN, Breinton, Herefordshire, builder, Sept. 21, Birmingham. Off. Ass. Whitmore; Sols. Bodenham & Co., Hereford; Hodgson & Co., Birmingham.—Pet. f. Aug. 31.

HARRIS, THOMAS, Worcester, ropemaker, Sept. 17, Worcester. Off. Ass. Hill; Sols. Wilson, Worcester.—Pet. f. Aug. 24.

HOLLAND, THOMAS, Liverpool, licensed victualler, Sept. 24, Liverpool. Off. Ass. Morgan; Sols. Bremner, Liverpool.—Pet. f. Aug. 25.

HOWL, HENRY DAVIS, Wednesbury, Staffordshire, shoemaker, Sept. 25, Birmingham. Off. Ass. Kinneer; Sols. Morgan & Co., Birmingham.—Pet. f. Aug. 31.

HOWLEY, PETER, Liverpool, greengrocer, Sept. 17, Liverpool. Off. Ass. Hime; Sols. Remington, Liverpool.—Pet. f. Aug. 31.

HUMPHREY, WILLIAM, Hartlepool, Durham, ship-compass manufacturer, Sept. 19, Hartlepool. Off. Ass. Child; Sols. Marshall, West Hartlepool.—Pet. f. Aug. 29.

JONES, ABEL, Queen Camel, Somersetshire, stone merchant, Sept. 16, Wincanton. Off. Ass. Messier; Sols. Ellis, Sherborne.—Pet. f. Aug. 31.

KIDD, JOHN, Penrith, Cumberland, labourer, Sept. 17, Penrith. Off. Ass. Varty; Sols. Harrison, Penrith.—Pet. f. Sept. 1.

LANGDALE, WILLIAM, Old Lenton, Nottinghamshire, cattle dealer, Oct. 7, Nottingham. Off. Ass. Patchitt; Sols. Quarles, Nottingham.—Pet. f. Aug. 31.

LEESE, EDWARD, Stoke-upon-Trent, Staffordshire, bootmaker, Sept. 18, Stoke-upon-Trent. Off. Ass. Keary; Sols. Tennant & Co., Hales.—Pet. f. Aug. 27.

MITCHELL, FREDERICK LAWRENCE, Bristol, commercial traveller, Oct. 2, Bristol. Off. Ass. Harley; Sols. Henderson, Bristol.—Pet. f. Sept. 2.

OXLEY, MATTHEW, Wells, fishmonger, Sept. 12, Wells. Off. Ass. Lovell; Sols. Reed, Bridgwater.—Pet. f. Aug. 29.

PARKER, RICHARD, Stoke-upon-Trent, Staffordshire, plumber, Sept. 18, Stoke-upon-Trent. Off. Ass. Keary; Sols. Litchfield, Newcastle-under-Lyme.—Pet. f. Sept. 2.

PAYNE, WALTER, Bath, Somersetshire, grocer, Sept. 16, Bath. Off. Ass. Smith; Sols. Bartrum, Bath.—Pet. f. Aug. 25.

ROBERTS, EDWARD, Stoke-upon-Trent, Staffordshire, saddler, Sept. 18, Stoke-upon-Trent. Off. Ass. Keary; Sols. Tennant & Co., Hales.—Pet. f. Aug. 26.

ROBINSON, THOMAS, Kingston-upon-Hull, bootmaker, Sept. 19, Hull. Off. Ass. Phillips; Sols. Chester, Hull.—Pet. f. Sept. 2.

SHARP, PETER HENRY, Coventry, Warwickshire, out of business, Sept. 21, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. Aug. 31.

SPIRITT, WILLIAM, Newport, Monmouthshire, innkeeper, Sept. 18, Bristol. Off. Ass. Adamson; Sols. Cathcart, Newport, Monmouthshire.—Pet. f. Sept. 1.

STROUTHER, WILLIAM, Lenton, Nottinghamshire, lace maker, Oct. 7, Nottingham. Off. Ass. Patchitt; Sols. Maples, Nottingham.—Pet. f. Aug. 26.

TEASDALE, THOMAS, Carstyn, near Hope, Flintshire, commission agent, Sept. 15, Liverpool. Off. Ass. Turner; Sols. Cartwright, Chester.—Pet. f. Aug. 28.

WALTON, JOSEPH MAKEPEACE, Bolton, Lancashire, brewer, Sept. 15, Manchester. Off. Ass. Herniman; Sols. Richardson & Co., Manchester.—Pet. f. Sept. 2.

WILLIAMS, DAVID, Aberysthwy, Monmouthshire, overlooker of navigators, Sept. 18, Bristol. Off. Ass. Miller; Sols. Harwood, Bristol.—Pet. f. Aug. 31.

WILLIAMSON, WILLIAM, Peterborough, Northamptonshire, fishmonger, Sept. 19, Peterborough. Off. Ass. Gaches; Sols. Rutland, Peterborough.—Pet. f. Aug. 27.

[For continuation of Gazette, see p. 327.]

CONTENTS.

London Gazettes.....	322
Leading Article.....	323
Concurrence of the Dower Trustees.....	324
Reviews.....	325
Expenditure by Friendly Societies.....	326
Statutes passed during the late Session of Parliament.	

NAMES OF THE CASES REPORTED.

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Coventry v. Barclay.—( <i>Partnership—Deceased partner's share—Mode of valuation</i> ).....	901
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VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Charlton and Another v. Coombes and Others.—( <i>Will, direction in, in the event of marriage by a widow—Consent of trustees—Secret marriage—Forfeiture—Fraud of wife on trustees—Liability of surviving husband for monies paid to wife</i> )....	904
--	-----

VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCE, Barrister at Law.

Paget v. Hurst.—( <i>Annuity—Demonstrative charge</i> )	906
---	-----

COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Stadhard v. Lee and Another.—( <i>Contract—Construction of—Reasonable intentment</i> ).....	908
Shadforth v. Cory and Others.—( <i>Ship—Demurrage—“Turn-paper”—Contract—Evidence</i> ).....	910

COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

Ward v. Beck.—( <i>Ship—Transfer—17 &amp; 18 Vict. c. 104, ss. 55, 56—25 &amp; 26 Vict. c. 63, s. 3</i> ).....	912
--	-----

COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Banbury v. White and Another.—( <i>Bill of sale—Filing—Twenty-one days' grace—Seizure—Occupation of attesting witness</i> ).....	913
--	-----

HOUSE OF LORDS.

By J. T. HORWOOD, Barrister at Law.

Peck v. The North Staffordshire Railway Company.—( <i>Railway Traffic Act, 1854, sect. 7—Special contract—Order to forward goods “not insured”—Conditions limiting responsibility</i> ).....	914
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THE JURIST.

LONDON, SEPTEMBER 12, 1863.

THE speech of the Lord Chancellor, addressed to the House of Lords in June last, contains the most important suggestions for the amendment of the law ever submitted to Parliament.

We do not so much allude to that part of his speech which relates to the revision and expurgation of the statute law, because that measure originated with another noble Lord, but to the proposal of the Lord Chancellor to make a digest of the reports of the decisions of the various courts of law and equity, as contained in upwards of 1200 volumes. His Lordship very fairly admits that he only revives the proposal made to James I by the great Lord Bacon.

If that illustrious man felt the necessity of a digest in his own times, when the reports were contained in about seventy volumes, how much greater must it be now, when the library shelves of a lawyer who possesses them all groans under their number, and there is yearly added to them nearly one-third of the number of the reports in existence at the time of Lord Bacon.

The difficulty which counsel have in giving an opinion, or preparing an argument, on many subjects may well be conceived, when so many volumes are to be searched for precedents, and when, after the most laborious investigation, a decision escapes notice, and lurks hidden in some ancient book of reports, which a judge may consider decisive, when the matter is brought before him.

In the volumes of our reports, moreover, no attempt is made to arrange the decisions there recorded, according to the various subjects under which they naturally fall; they are printed merely in chronological order. Many of them are conflicting; many of them relate to obsolete law; many of them, especially in the reports of recent times, are set forth at too great length, or are precisely similar to cases often reported before, and are, therefore, as precedents, superfluous.

What, therefore, is more reasonable, or more likely to lead to useful results than the proposal of the Lord Chancellor to digest this chaotic mass of recorded decisions; to lop off all redundancies in the report of each case; to arrange the whole of them in clear and logical order, omitting all that are overruled, reversed, or obsolete, or conflict with others, the decisions in which are more reasonable, or more in accordance with the analogies to be derived from the principles laid down in other cases long approved of and acted upon.

Moreover, one very great benefit which will inevitably result from such a complete examination of the law as a digest would involve, is, that all those rules of law which are inconvenient, inequitable, or which lead to litigation, would be discovered, so that a proper remedy could be applied by the interposition of Parliament, not in the loose and irregular manner in which so-called amendments of the law have been effected by bills introduced by amateur or other law reformers (and which often lead to more litigation and uncertainty than the law they were intended to improve), but in a manner so complete and effectual, that those evils, if not altogether eradicated, may be, in a great measure, alleviated and removed.

On the whole, the speech of the Lord Chancellor met with the approval of the law Lords in the House of Lords. All seemed to admit, that the task about to be undertaken by the Lord Chancellor, if possible, would be of the highest utility.

Lord Cranworth, however, was afraid that his Lordship had undertaken “an impossible task.” Why an impossible task? Even his Lordship could not but admit, that any one lawyer might make a complete digest of the law upon any particular subject; as, for instance, the contract of sale or mortgage. This is done by the author of every good text-book, who, however, not only digest all the decisions of the Courts, but also all the enactments of Parliament; and if this can be done by an individual, with regard to one subject, there is no reason why the whole system of our law may not be embraced in a digest,

undertaken by a sufficient number of individuals, to each of whom one or more subjects, according to their length and importance, may be allotted. The completion of such a task, like the great engineering works of the present day, is a mere question of time and means. The work proposed by the Lord Chancellor may, we doubt not, be as readily accomplished as treatises might be written upon every branch of the law, which every law publisher could inform Lord Cranworth is a mere question of men and money; the former of which the Bar of England can doubtless supply; the latter cannot, with any shew of decency, be withheld by those who have expended millions on the Houses of Parliament, and have paid more, even for the paintings on its walls, than would suffice for the framing of a code, the operation of which would be felt as a blessing wherever the English language is spoken.

Lord Cranworth, moreover, made an assertion which must have astonished every lawyer, viz. that it "was a fallacy to talk about there being any doubt as to what the law was. Except in one or two disputed cases, there was no difficulty in ascertaining what the law was." Now, had not the noble Lord for a long time occupied a seat on the common-law bench as a puisne judge, and afterwards sat in the equity courts successively as Vice-Chancellor, Lord Justice of the Court of Appeal, and Lord Chancellor, we should have thought that his knowledge of the law must be of a somewhat limited character. The number of cases in which there is an *actual* conflict of judicial decision is, in the whole body of the English law, undoubtedly great; but the number of those cases in which, although judges do not venture openly to differ from other decisions, in effect do so, is enormous. As to there being no difficulty in ascertaining what the law is, the noble Lord must have forgotten his own experience at the bar, when he made such an assertion.

The functions of a barrister and a judge are totally distinct; their labours are totally dissimilar; upon the barristers on each side is thrown the onus of discovering the law applicable to the case he endeavours to set up; to the judge is allotted the far lighter task of deciding which of the advocates is right.

Lord Cranworth's observation must apply only to his experience as a judge, and must be made in total forgetfulness of the difficulties often thrown upon members of the Bar, who have their 1200 volumes of Reports, from which they must eliminate the law to enlighten the judge, who has then, we admit, very rarely any difficulty "in ascertaining what the law is."

The noble Lord (Cranworth) endeavoured to shew that nothing would be gained by a code, because as much uncertainty would exist under a code as under the present state of the English law, as deduced from the decisions of our courts of justice. But what reason does the noble Lord give for this? Why, that upon one occasion, "in a case before the Privy Council, it became of great importance to ascertain what was the law of France; the opinion of twelve of the most eminent lawyers Paris could produce was taken, and six of them decided one way, and six another." The one instance produced by his Lordship is hardly

sufficient to prove what he asserts. It may be well admitted, that no code can be sufficiently comprehensive to take in all cases which may arise; and that, consequently, there will be a conflict of opinion as to what the law is under a particular combination of circumstances, not sufficiently provided for by the code; but the real question is, whether, by a code or digest, a very large proportion of those difficulties, and that conflict of law which undoubtedly exists under uncodified and undigested laws, may not be effectually got rid of?

In the instances cited by his Lordship, we must remember that the foreign law had to be pressed, as a matter of fact; that, perhaps, rather more than six opinions may have been taken on each side, and those only produced which suited the purpose of those by whom they were taken, just as when it is wished by the parties to a suit to ascertain the value of land, an equal number of equally respectable valuers are generally to be found to prove the value to that which it is asserted to be by their respective employers.

It is, no doubt, true that no code will ever be perfect; the digest of the Roman law, by Justinian's order, is imperfect, but no one can fairly allege that it was not in the highest degree useful, and that its civilizing influence has been felt in every country where the Roman law has been understood and studied; and even indirectly in other countries, as in our own land, where it has been neglected.

Lord Cranworth, however, although protesting against a code, said, "that he would listen with the greatest satisfaction to any proposal for making the law more clear; and if it could be done by that sort of digest proposed by the Lord Chancellor, he certainly should have nothing to say against it."

That the proposed digest of the Lord Chancellor will be a great boon to the country we have no doubt; and it is equally certain that the time has arrived when it has become an absolute necessity. It will, no doubt, meet with opponents, some of whom may assert that the work is inexpedient, some that it is impracticable; but we believe that its difficulties have been for many years pondered over by the Lord Chancellor, and that he will in due time carry out this great undertaking in a manner which will render his tenure of office memorable in the legal annals of England.

#### CONCURRENCE OF THE DOWER TRUSTEE.

THE fact that in *Collard v. Roe* (4 Jur., N.S., part 1, p. 431), a purchaser was held entitled to the concurrence of the vendor's dower trustee, or (as the trustee was in Australia) to a vesting order, by the Court, has induced some practitioners to revive the practice, which had been falling into disuse, of making the dower trustee a conveying party. There can be little doubt that *Collard v. Roe* ought to have been differently decided, but the actual result of that case does not justify the revival of the old practice. In *Collard v. Roe* the limitation to the dower trustee was invalid before the passing of the stats. 7 & 8 Vict. c. 76 (repealed) and 8 & 9 Vict. c. 106, which abolished the then only remaining means or cause of forfeiture of a life estate; and the Vice-Chancellor founded his

decision on the possibility of a forfeiture having been committed in the interval; and though he considered the objection most frivolous and vexatious, he thought that it was justified in principle and by the practice of conveyancers; but he gave no costs down to the hearing on either side. An appeal by the purchaser from the decree, on the ground that he should have been allowed his costs, and have been excused from the payment of interest down to the date of the conveyance, was dismissed, with costs, by the full Court of Chancery (Lord Campbell, C., and the Lords Justices), all the judges declaring that the requisition was frivolous and vexatious, and Sir J. L. Knight Bruce, L. J., thinking that it was no objection at all. Thus, even if it should be thought, with the Vice-Chancellor, that there is ground in principle or practice for the requisition, there need be no fear that it will ever again be insisted upon, with the certainty that the objector will have to bear his own costs; and it must be remembered that there is no case in which the non-concurrence of a dower trustee has been held to be an objection to the title on a subsequent sale.

In *Collard v. Roe*, the limitation to the dower trustee was (as nearly all such limitations were until recently) in the form of a contingent remainder (after the determination of the purchaser's life estate "by any means in his lifetime"), so that the Vice-Chancellor's suggestion of the possibility of a forfeiture was ill-founded. No forfeiture can give a right of entry to a contingent remainderman; and as the owner of the next vested remainder was also the tenant for life, and could not enter upon himself, forfeiture was impossible. And for the same reason, a surrender of the life estate was impossible.

In cases where forfeiture was possible before the statute above referred to, the objection is equally untenable, because the limitation to the dower trustee, being a voluntary limitation, is, under the stat. 27 Eliz. c. 4, void at law as against a purchaser for valuable consideration; and that so clearly, that a purchaser from a voluntary settlor, with notice of the settlement, has a marketable title which will be forced upon an unwilling purchaser. (*Butherford v. Heath*, 15 Beav. 408).

The practical result of these considerations is, that even in cases where the dower trustee is accessible, he ought not to be made a party, so as to assist in prolonging the existence of a custom that is dying out. The purchaser's solicitor would not be justified in involving his client in litigation, in order to obtain the useless conveyance; and the vendor's solicitor ought not to put his client to the expense of procuring it at the purchaser's request, unless he were under a reasonable apprehension of incurring greater expense in litigation.

### Reviews.

*An Essay on Waste, Nuisance, and Trespass, chiefly with Reference to Remedies in Equity; treating of the Law of Timber, Mines, Light, Water, Support, the Construction of Public Works, &c.* By GEORGE V. YOOL, M.A., of Lincoln's-inn, Barrister-at-Law, late Fellow of Trinity College, Cambridge. 8vo., pp. 299. [Maxwell.]

MR. YOOL's plan appears to have been to collect and arrange all the decisions in equity relating to the subject of his book, to extract from them such principles as they involve, and to state from the common-law authorities so much of the general law as is necessary to shew the foundation and bearing of the equitable decisions. The result is, that the book treats exclu-

sively of injuries to property. With this clue to its design and scope, the work may be consulted without disappointment, although it omits some of the divisions of the titles "nuisance" and "trespass," as they would be displayed in a complete treatise on the law. The equitable jurisdiction in respect of waste being in every direction more extensive than that of the common-law courts, it follows that the author's plan has led him to make the first chapter of the book a complete treatise on that subject.

The second chapter, on nuisance, is divided into five sections. The first treats of nuisances in general. The author defines them as "injuries to easements, and such injuries to natural rights of [real] property as do not directly interfere with the possession of the soil." But he immediately proceeds to shew, that, even for the purpose of his book, the definition is incomplete, by not including those infringements of rights common to all members of the community which are called public nuisances, in respect of which, as well as of injuries to the enjoyment of private property, courts of equity will interfere. In the other divisions of the chapter, nuisances to dwelling-houses and to rights of support, and nuisances relating to water, are particularly considered.

Trespass, as regards real property, is defined to be "an illegal entry upon, or immediate injury to, real property." The subdivisions of the chapter are—1. Jurisdiction. 2. Taking part of the substance of the inheritance. 3. Lord of the manor and copyholder. 4. Various acts of trespass. 5. Protection of real property during litigation.

The fourth chapter is headed "Construction of Public Works," but it might have been better described as treating of "trespasses and nuisances by corporations and others engaged in the construction of public works," and treats principally of the cases which have occurred under the Lands Clauses Consolidation Act.

The work has evidently been prepared with great care, and it is written in a clear and concise style, comprising in small space a large amount of information not to be found elsewhere in a collected form.

*The Common-law Procedure Act and other Statutes relating to the Practice of the Superior Courts of Common Law, and the Rules of Court; with Notes.* By JOHN C. F. S. DAY, Esq., Barrister-at-Law. Second Edition. [Sweet, 1863.]

ONLY those persons who were conversant with the system of pleading and practice as it existed before the passing of the Common-law Procedure Act, 1852, can adequately estimate the importance and value of the changes and reforms introduced by that and the subsequent acts on the same subject, and carried into effect since that time by the courts of law. The pruning knife of the law reformer never had a greater luxuriance of stragglers to cross, nor was it ever sharpened and used to greater effect. As the trimming of the hedge or the clearing of the weeds produce a temporary effect, but are of little permanent advantage to the farmer or agriculturist without watchfulness and industry on his part to prevent a recurrence of the abuse, so the simplification of prolix procedure, and the abolition of useless forms, would be of no lasting benefit to the jurisprudent or the public unless the judges, who administer the laws, are imbued with the spirit of the reformers, and anxious to maintain the improvements introduced. It therefore is not only a subject of the greatest interest, but also of the last importance to the practitioner of the law and the public, to have the means of ascertaining the decisions of the Courts on the different Pro-



cedure Acts passed since 1852. The subject of Mr. Day's book renders it of considerable value to the Profession as a convenient manual of the decisions under the three Procedure Acts, 1852, 1854, and 1860; the Summary Procedure on Bills of Exchange Act, 1855 (18 & 19 Vict. c. 67); and of a portion of the Mercantile-law Amendment Act, 1856 (19 & 20 Vict. c. 97). The above enumeration of the statutes coming under Mr. Day's hand in this work, make it apparent that it but partially treats of the subject of procedure or practice, for it is obvious that there are numerous statutes on those subjects necessary to be acquired by the practitioner, which are in no way alluded to in this volume. The title-page leaves the reader in doubt as to what the contents of the volume are, for when Mr. Day speaks of the Common-law Procedure Acts and other statutes relating to the practice of the superior courts of common law, one's expectations are raised only to be disappointed. We think Mr. Day would have been better advised if he had either confined his treatise to the Common-law Procedure Acts which pass under that title, or had made a general treatise on practice and procedure. At present he has produced a medley without design, for it would be difficult to assign a reason why the two extra acts should have alone been selected, for though, no doubt, they are very important acts, and the Bills of Exchange Act especially so, yet there are many acts relating to procedure and practice hardly of less importance. To the statutes are added the General Rules of Hilary Term, 1853, the Pleading Rules of Trinity Term, 1853, of Michaelmas Vacation, 1854, &c. Then, in the Appendix we have a reprint of Sir F. Pollock's Act (5 & 6 Vict. c. 97); of the 6 & 7 Vict. c. 82, giving the Lord Chancellor power to grant commissions to enable persons to take affidavits in Scotland and Ireland, and for amending the law relating to commissioners for the examination of witnesses; of the Nisi Prius Officers Act; of the Property Act (23 & 24 Vict. c. 38, but no allusion is made either to stat. 22 & 23 Vict. c. 35, or stat. 13 & 14 Vict. c. 34); of the Witnesses Act (17 & 18 Vict. c. 34); of the act 24 Vict. c. 11, for the better ascertaining the law of foreign countries; and of the Petition of Right Act. The enumeration of the contents will probably suggest, that Mr. Day might justly term his work, with Juvenal, "*Nostris farrago libelli*." To separate, however, the plan from its execution, we must give the author credit for the completeness of his collection of cases up to the latest date; we have no omissions to record of any decided case upon the statutes to which he has appended notes. But as in the design, the author has, we think, embraced too much, so we think he has attempted to discuss certain subjects in the notes more widely than the size of his work admitted of, and consequently the treatment is incomplete. Thus, by way of example, on the subject of affidavits (pp. 17-23), a treatise is written, which is good as far as it goes, but a comparison with Chitty's Archbold's Practice, will at once shew that it is not complete. We would apply a similar remark to the observations on the law of evidence (pp. 201-211). Mr. Day is generally correct in his statements of the effect of the decided cases, but occasional inaccuracies are to be found; for instance, at p. 11, in the note to sect. 17 of the act of 1852, it is stated that *personal* service is absolutely necessary in the case of a lunatic, as he cannot know of the writ and evade its service. This is not correct; and in the Court of Exchequer, in Trinity Term last, in a case of *Kimberley v. Alleyne*, the plaintiff had leave to proceed without personal service of the writ on the lunatic defendant. This case has occurred since the publication of Mr. Day's book, but the

error was in stating, as a proposition of law, the effect of decisions made upon the contents of the particular affidavits used in each case. He seems also to have thought that the lunatic must both know of the writ and wilfully evade its service. This is not necessary, as the section runs in the disjunctive. It is always satisfactory to know the principle upon which a new statutory enactment is founded, and is sometimes useful in the interpretation of it, and we should, therefore, have not considered a waste of space or labour to have referred to the late Mr. Justice Cresswell's judicial authority for the principle of the 19th section of the act of 1852 at p. 24, which enables proceedings to be taken against foreigners residing out of the jurisdiction of the superior courts, which that learned judge states, in *Simoni v. Mallac* (29 L. J., P. & M., 100), to be, that the parties, by entering into a contract in England, mutually give to each other the right to have the force and effect of that contract decided by an English tribunal.

In the note to sect. 19 of the act of 1854, which gives a judge power to adjourn a cause for the purposes of justice, at p. 201, Mr. Day says, "Where a party hesitated at the trial to consent to a reference of *all matters in difference*, Willes, J., intimated, that unless the necessary consent was given, he would adjourn the trial of the cause to the next assizes." (*Jones v. Beaumont*, 1 Fost. & F. 336). Now, it struck us as very wrong, that when the law entitles the parties to a cause which has come on for trial at Nisi Prius, to have it then tried out, and that a judge sitting there has no right to compel them to refer it (*Robson v. Lees*, 30 L. J., Exch., 235), that he should, by the means above suggested, deprive them of their rights for the time being, under the pretence that it was for the purposes of justice, within the meaning of that section; and that an author should state and pass over such a proceeding without expressing his dissent; but on referring to the case mentioned, we find the report says, that the reference was not intended by the judge to be of all matters in difference, but only of such as were "*relative to the accounts*." This, so far, mends the matter, but still, in our opinion, the judge had no right to use the power given to him by the section in question for such a purpose.

Although we have thought it necessary to notice what, in our opinion, are some of the shortcomings of this work, we must not be understood to deny, that, as a full and convenient collection of the cases decided on the acts we have alluded to ranged each under its proper section, it is likely to prove of much advantage to the practitioner.

#### EXPENDITURE BY FRIENDLY SOCIETIES

In several Friendly Societies the practice prevails of charging, as *incidental* expenses of management, every expenditure incurred that does not fall on the funds raised for sickness, death, or annuities, and such charges are paid either out of the *General Fund*, or the *Management*, or *Incidental Expense Fund*; for example, in the case of one society, the following items were charged:—

Liquor at monthly meeting . . .	£9 0 0
Band at the anniversary . . .	6 0 0
Dinners to persons carrying banners . . .	0 6 9
Donation to Lancashire Relief Fund . . .	5 0 0
Grant for procession and dinner on the marriage of H. R. H. the Prince of Wales . . .	10 0 0

Charges for feasting, and processions at anniversaries, the purchase or hire of banners, ribbons, aprons,

and personal decorations of various kinds, for bell-ringing, &c., also occur in the accounts of some Friendly Societies.

The following opinion has been given by the Attorney-General, as to the legality of such expenditure, on a case submitted by the Registrar of Friendly Societies in England:—

"1. I am of opinion that no part of the funds raised under the authority of the 9th or 25th sections of the act, can be legally applied to any of the items of expenses above mentioned, or to any similar items. They are entirely unconnected either with the insurance and relief, &c. mentioned in the 9th section, or with the expenses of management referred to in the 25th.

"2. I think that no part of any funds raised under the authority of a rule for incidental expenses, can be legally applied to any of the items of expense above mentioned, or to any similar items. The expression 'incidental expenses' must be reasonably understood; and, within those limits, may receive a liberal interpretation; but it is clear that the meaning cannot be stretched beyond matters necessary to, or directly connected with, the main purposes for which the society is established.

"3. Proceedings may be taken against the member or officer paying away the funds for any of these purposes, provided in doing so he is guilty of a 'wilful' misapplication of the funds. In order to put the wilfulness beyond a reasonable doubt, I would advise that the attention of the various officers, &c. charged with the custody and disbursement of the funds, should be pointedly called to the state of the law on this subject, and that they should be apprised that future misapplications will be treated as wilful, and punished accordingly.

"4. I am of opinion that no person, other than the registrar, can commence proceedings under sect. 24, without the consent of the society to his so doing being first obtained; but that, independent of any such consent, proceedings may be taken by the registrar under the 23 & 24 Vict. c. 58, s. 9.

"Temple, 24th July, 1863."

"WM. ATHERTON.

In consequence of this opinion, the Registrar of Friendly Societies in England has intimated his intention to take proceedings, pursuant to the 23 & 24 Vict. c. 58, s. 9, against any officer, &c., of a friendly society, who shall offend against the provisions of the 18 & 19 Vict. c. 63, s. 24.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Thomas Frederic Inman, Gent., of the city of Bath, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the city of Bath, also in and for the county of Somerset.

WILSON, JOHN, East Bridgford, Nottinghamshire, jobbing gardener, Oct. 23, Bingham. Off. Ass. Patchitt; Sols. Cowley & Co., Nottingham.—Pet. f. Sept. 1.

WOODWARD, JOHN, Derby, manager of a silk mill, Sept. 29, Nottingham. Off. Ass. Harris; Sols. Baker & Co., Derby.—Pet. f. Sept. 1.

## TUESDAY, Sept. 8.

### BANKRUPTS.

#### To be heard in London.

BRYAN, JOHN, St. James-place, Aldgate, hardwareman, Sept. 18. Off. Ass. Cannan; Sols. Dubois, 36, Coleman-street.—Pet. f. Sept. 3.

EDEN, ALFRED FREDERICK, Wincelsea, Sussex, optician, Sept. 23. Off. Ass. Cannan; Sols. Croft, 12, Mark-lane.—Pet. f. Sept. 5.

GALANTE, FERDINANDO GUISEPPA MARIA, Poland-street, Oxford-street, out of business, Sept. 18. Off. Ass. Cannan; Sols. Chidley, 25, Old Jewry.—Pet. f. Sept. 2.

GALINI, ALFONSO, Brighton, out of business, Sept. 18. Off. Ass. Cannan; Sols. Godfrey, 5, South-square, Gray's-inn.—Pet. f. Sept. 3.

JAMIESON, ANDREW, Gloucester-place, Briston-road, and Seymour-place, Camden-town, baker, Sept. 23. Off. Ass. Cannan; Sols. Tucker, 19, Basinghall-street.—Pet. f. Sept. 4.

LOFTUS, WILLIAM, Battersea-rose, New Wandsworth, clerk to a solicitor, Sept. 23. Off. Ass. Cannan; Sols. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. Sept. 4.

MASTERS, ROBERT, Woolwich; Kent, appraiser, Sept. 18. Off. Ass. Cannan; Sols. Marshall, 9, Lincoln's-inn-fields.—Pet. f. Sept. 2.

MUNDAY, ROBERT THOMAS, Clarendon-square, St. Pancras, commercial clerk, Sept. 18. Off. Ass. Cannan; Sols. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 3.

#### To be heard in the Country.

ABRAHAM, RICHARD, Glyn Neath, near Neath, Glamorganshire, colliery agent, Sept. 1, Bristol. Off. Ass. Miller; Sols. James, Merthyr Tydfil; Brittan & Co., Bristol.—Pet. f. Sept. 7.

BERRY JOHN, Heywood, Lancashire, fishmonger, Sept. 24, Bury. Off. Ass. Grundy; Sols. Anderson, Bury.—Pet. f. Sept. 2.

BISHOP, WILLIAM, Birmingham, upholsterer, Sept. 28, Birmingham. Off. Ass. Kinner; Sols. Barber, Birmingham.—Pet. f. Sept. 3.

BLOMFIELD, ISAAC SAMUEL, Lowestoft, Suffolk, dealer in clocks, Sept. 23, Ipswich. Off. Ass. Petyman; Sols. Moore, Ipswich.—Pet. f. July 11.

BRADLEY, JOHN, Hulme, near Manchester, tailor, Sept. 26, Salford. Off. Ass. Hulton; Sols. Foster, Manchester.—Pet. f. Aug. 19.

CHARLES, JOHN, Leigh, Worcestershire, plumber, Sept. 30, Worcester. Off. Ass. Hill; Sols. Corles, Worcester.—Pet. f. Sept. 1.

DAKYNNE, BOWDEN BOWEN, Gradbach, Staffordshire, silk spinner, Sept. 30, Birmingham. Off. Ass. Whitmore; Sols. Green & Co., Manchester; Hodgson & Co., Birmingham.—Pet. f. Sept. 5.

DIXON, JOHN, Toxteth-park, near Liverpool, window-blind manufacturer, Sept. 21, Liverpool. Off. Ass. Hime; Sols. Francis & Co., Liverpool.—Pet. f. Sept. 5.

DOUBLE, GEORGE SCAFFE, Bury St. Edmunds, Suffolk, beer-seller, Sept. 21, Bury St. Edmunds. Off. Ass. Collins; Sols. Ion, Bury St. Edmunds.—Pet. f. Sept. 7.

ELLIS, JOHN, Nottingham, lacedresser, Oct. 7, Nottingham. Off. Ass. Patchitt; Sols. Smith, Nottingham.—Pet. f. Sept. 4.

EVANS, JOHN, Preston Brookhurst, Shropshire, blacksmith, Sept. 21, Wem. Off. Ass. Barker; Sols. Lucas, Wem.—Pet. f. Sept. 4.

FISHER, JOHN, Newcastle-upon-Tyne, tailor, Sept. 23, Newcastle-upon-Tyne. Off. Ass. Clayton; Sols. Brawley, Newcastle-upon-Tyne.—Pet. f. Sept. 3.

FRISBY, WILLIAM BURTON, Nottingham, accountant, Oct. 7, Nottingham. Off. Ass. Patchitt; Sols. Smith, Nottingham.—Pet. f. Sept. 4.

GILBERTHORPE, JOHN, Nottingham, printer, Oct. 7, Nottingham. Off. Ass. Patchitt; Sols. Deverill, Nottingham.—Pet. f. Sept. 4.

HARLEY, EPHRAIM, Newcastle-upon-Tyne, out of business, Sept. 23, Newcastle-upon-Tyne. Off. Ass. Clayton; Sols. Ingledew, North Shields.—Pet. f. Sept. 2.

HIRST, CHARLES HENRY, Leeds, cloth merchant, Sept. 18, Leeds. Off. Ass. Carrick; Sols. North & Co., Leeds.—Pet. f. Sept. 1.

LOCKWOOD, JOHN, Mold-green, near Huddersfield, Yorkshire, fancy manufacturer, Sept. 17, Leeds. Off. Ass. Carrick; Sols. Hepp & Co., Huddersfield; Bond & Co., Leeds.—Pet. f. Sept. 3.

LOMNER, CHARLES, Barnsley, Yorkshire, coal dealer, Sept. 23, Barnsley. Off. Ass. Shepherd; Sols. Tye, Barnsley.—Pet. f. Sept. 4.

MANSFELD, THEODOR JOSEPH, Cambridge, tailor, Oct. 3, Cambridge. Off. Ass. Eaden; Sols. Whitehead & Co., Cambridge.—Pet. f. Aug. 31.

MARSH, JOHN, Hulme, Manchester, and Chirk, near Llangollen, Denbighshire, English timber dealer, Sept. 23, Manchester. Off. Ass. Pott; Sols. Swan, Manchester.—Pet. f. Sept. 5.

MASON, WILLIAM, Newcastle-upon-Tyne, provision merchant, Sept. 21, Manchester. Off. Ass. Herniman; Sols. France, Wigan.—Pet. f. Sept. 4.

MILLS, JAMES, Winesford, Somersetshire, farmer, Sept. 23, Southmolton. Off. Ass. Crosse; Sols. Warren, Dulverton.—Pet. f. Sept. 5.

NEWMAN, FREDERICK, Cambridge, publican, Oct. 3, Cambridge. Off. Ass. Eaden; Sols. Hunt, Cambridge.—Pet. f. Sept. 5.

PARTIDGE, THOMAS, Chulmleigh, Devonshire, baker, Sept. 28, Southmolton. Off. Ass. Crosse; Sols. Shapland, Southmolton.—Pet. f. Sept. 5.

PUGH, HUGH MEYRICK, Machynlleth, Montgomeryshire, chemist, Sept. 17, Machynlleth. Off. Ass. Howell; Sols. Williams, Dolgellau.—Pet. f. Sept. 2.

PURCHON, ROBERT, Leeds, Yorkshire, grocer, Sept. 29, Leeds. Off. Ass. Sangster; Sols. Harle, Leeds.—Pet. f. Sept. 2.

REE, FREDERICK JENKINS, Liverpool, joiner, Sept. 21, Liverpool. Off. Ass. Turner; Sols. Conway, Liverpool.—Pet. f. Aug. 29.

RICHARDSON, EDWARD, Coventry, Warwickshire, watch maker, Sept. 23, Coventry. Off. Ass. Kirby; Sols. Smallbone, Coventry.—Pet. f. Sept. 2.

ROBINSON, JOSEPH, Halifax, draper, Sept. 18, Halifax. Off. Ass. Rankin; Sols. Jubb, Halifax.—Pet. f. Sept. 4.

SIEB, WILLIAM, Bury Saint Edmunds, Suffolk, fish dealer, Sept. 19, Bury Saint Edmunds. Off. Ass. Collins.—Adj. July 13.

SMITH, ISAAC, Liverpool, saddler, Sept. 21, Liverpool. Off. Ass. Turner; Sols. Lacey & Co., Liverpool.—Pet. f. Aug. 29.

STILLINGS, WILLIAM, Manchester, plumber, Sept. 19, Salford. Off. Ass. Hulton; Sols. Mann, Manchester.—Pet. f. Sept. 3.

TAYLOR, WILLIAM, Harmston, Lincolnshire, licensed victualler, Sept. 19, Lincoln. Off. Ass. Uppley; Sols. Brown & Co., Lincoln.—Pet. f. Sept. 3.

TAYLOR, WILLIAM, Stockport, Cheshire, draper, Oct. 2, Manchester. Off. Ass. Herniman; Sols. Sale & Co., Manchester.—Pet. f. Sept. 1.

TRUMFLE, CHARLES HENRY EDWARD, and FRISBY, JOHN, Manchester, merchants, Sept. 21, Manchester. Off. Ass. Pott; Sols. Rigdon & Co., Manchester.—Pet. f. Aug. 28.

WALTON, JOHN, Manchester, pawnbroker, Sept. 22, Manchester. Off. Ass. Pott; Sols. Nuttall, Manchester.—Pet. f. Sept. 3.

WATSON, MICHAEL, Sunderland, Durham, Joiner. Sept. 22, Bishopwearmouth. Off. Ass. Marshall; Sol. Young, Sunderland.—Pat. 1. Sept. 2.

WOODFORD, FREDERICK WILLIAM, Sandown, Isle of Wight, out of business, Sept. 19, Newport. Off. Ass. Blake; Sol. Joyce, Newport.—Pat. 1. Sept. 2.

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K K

## GAZETTES.—FRIDAY, Sept. 11.

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*To be heard in London.*

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**BAKER, EDWARD**, Montrose-terrace, Roman-road, Islington, smith, Sept. 23. Off. Ass. Cannan; Sol. Wetherfield, 33, Moorgate-street.—Pet. f. Sept. 8.

**BAXTER, JANE**, Clerkenwell-green, out of business, Sept. 23. Off. Ass. Cannan; Sol. Peverley, 73, Coleman-street.—Pet. f. Sept. 8.

**CAVEY, THOMAS LISTER**, Edward street, Clay-road, wholesale milliner, Sept. 23. Off. Ass. Cannan; Sol. Jukes, 10, Basinghall-street.—Pet. f. Sept. 9.

**CORTESI, GIUSEPPE**, Whitechapel, confectioner, and High-street, Whitechapel, fruiterer, Sept. 23. Off. Ass. Cannan; Sol. Solomon, 22, Finsbury-place.—Pet. f. Sept. 8.

**DICKSON, LOTHIAN SHEFFIELD**, Stanhope-terrace, Hyde-park-gardens West, lieutenant-colonel of the 2nd Regiment of the Tower Hamlets Militia, Sept. 23. Off. Ass. Cannan; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. Sept. 2.

**GAMSELL, JOHN**, Denmark-terrace, Coldharbour-lane, Camberwell, ship store merchant's clerk, Sept. 23. Off. Ass. Cannan; Sols. Hughes & Co., 1, St. Swithin's-lane.—Pet. f. Sept. 7.

**GORTON, ALFRED**, Great Windmill-street, Haymarket, butcher, Sept. 23. Off. Ass. Cannan; Sol. Pearce, 8, Giltspur-street.—Pet. f. Sept. 2.

**GREEN, FREDERICK**, Ernest-street, Regent's-park, waiter, Sept. 24. Off. Ass. Cannan; Sol. Kent, 11, Cannon-street West.—Pet. f. Sept. 9.

**HALAHAN, PETER AUGUSTUS**, Chelsea, not in any business, Sept. 23. Off. Ass. Cannan; Sol. Hope, 9, Ely-place, Holborn.—Pet. f. Sept. 9.

**HUBBOKS, JOHN**, Chelsea, cab driver, Sept. 23. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. Sept. 8.

**HUTCHISON, DAVID**, West-square, Southwark, stonemason, Sept. 23. Off. Ass. Cannan; Sol. Wright, 10, Bloomsbury-square.—Pet. f. Sept. 9.

**KIMBERLEY, WILLIAM**, Old Broad-street, share dealer, Sept. 22. Off. Ass. Edwards; Sols. Terrell & Co., 30, Basinghall-street.—Pet. f. Aug. 6.

**KING, CHARLES**, Stratford, Essex, grocer, Sept. 24. Off. Ass. Cannan; Sol. King, 9, Queen-street, Chesham.—Pet. f. Sept. 9.

**LAKEMAN, ISAAC**, Wilnot-street, Brunswick-square, Bloomsbury, printer, Sept. 23. Off. Ass. Cannan; Sol. Scott, 7, Staple-inn.—Pet. f. Sept. 8.

**LAMBERT, THEOPHILUS**, Anerley, Fenge, Surrey, wharfinger's clerk, Sept. 23. Off. Ass. Cannan; Sols. Hughes & Co., 1, St. Swithin's-lane.—Pet. f. Sept. 7.

**MASH, JAMES**, Oxford, licensed victualler, Sept. 23. Off. Ass. Cannan; Sol. Munday, 6, Essex-street, Strand.—Pet. f. Sept. 8.

**MELLADY, THOMAS**, and MELLADY, EDWARD, Mark-lane, City, and Liverpool, merchants, Sept. 23. Off. Ass. Cannan; Sols. Thomas & Co., Mincing-lane.—Pet. f. Sept. 8.

**MURPHY, JAMES**, Worley-court, Minories, and St. George's-street, Shadwell, auctioneer, Sept. 23. Off. Ass. Cannan; Sol. Hare, 66, Basinghall-street.—Pet. f. Sept. 7.

**MURTON, ALFRED**, Sheerness, Kent, baker, Sept. 23. Off. Ass. Cannan; Sol. Solomon, 22, Finsbury-place.—Pet. f. Sept. 9.

**PALMER, WILLIAM TAYLOR**, York-place, Manor-street, Old Kent-road, commercial traveller, Sept. 23. Off. Ass. Cannan; Sol. Jenkins, 31, Nicholas-lane, Lombard-street.—Pet. f. Sept. 8.

**PRITCHETT, ROBERT TAYLOR**, Chamber-street, Goodman's-fields; St. James-street; and Williams-terrace, Chiswick, gun manufacturer, Sept. 23. Off. Ass. Cannan; Sol. Cooke, 30, King-street, Chesham.—Pet. f. Sept. 7.

**PROTHERO, THOMAS DAX**, Belmont-villas, Lorrimer-square, Newington, clerk in the Exchequer Writ Office, Sept. 24. Off. Ass. Cannan; Sol. Herring, Stafford-chambers, Stafford-street, Marylebone-road.—Pet. f. Sept. 9.

**RITCHIE, JAMES EWING**, Fleet-street, City, and Finchley, publisher, Sept. 24. Off. Ass. Cannan; Sols. Lawrence & Co., 12, Bread-street.—Pet. f. Sept. 9.

**RUSSELL, ROBERT**, Lancaster-road West, Notting-hill, builder, Sept. 23. Off. Ass. Graham; Sol. Orchard, 5, John-street, Bedford-row.—Pet. f. Sept. 8.

**SANDERS, THOMAS**, Holywell-lane, Shoreditch, confectioner, Sept. 24. Off. Ass. Cannan; Sol. Keene, 77, Lower Thames-street.—Pet. f. Sept. 9.

**TREEDAM, CHARLES**, Stow Maries, Essex, farmer, Sept. 23. Off. Ass. Cannan; Sol. Duffield, 30, Cornhill, and Chelmsford, Essex.—Pet. f. Sept. 8.

**WARKING, WILLIAM**, Moulton, Northamptonshire, maltster, Sept. 22. Off. Ass. Edwards; Sol. Webb, 159, Euston-road.—Pet. f. Aug. 8.

**WILDEN, ANN**, Upper Chapman-street, Commercial-road, St. George's-in-the-East, grocer, Sept. 24. Off. Ass. Cannan; Sol. Wetherfield, 33, Moorgate-street.—Pet. f. Sept. 9.

*To be heard in the Country.*

**ANSELL, HENRY SIMON**, Coventry, Warwickshire, clothier, Sept. 24, Coventry. Off. Ass. Kirby; Sol. Smallbone, Coventry.—Pet. f. Sept. 9.

**BOWS, ANN**, Kingston-upon-Hull, milliner, Sept. 22, Hull. Off. Ass. Phillips; Sol. Sammers, Hull.—Pet. f. Sept. 8.

**BUTLER, THOMAS**, Llanbelligin, Carnarvonshire, farmer, Sept. 23, Cheltenham. Off. Ass. Gale; Sol. Jessop, Cheltenham.—Pet. f. Sept. 5.

**CHADWICK, JOHN WILLIAM**, Liverpool, licensed victualler, Sept. 25, Liverpool. Off. Ass. Morgan; Sol. Tyrer, Liverpool.—Pet. f. Aug. 7.

**COLEBOURN, JOHN**, Shirland, Derbyshire, farmer, Sept. 23, Derby. Off. Ass. Weller; Sol. Leach, Derby.—Pet. f. Aug. 12.

**COLTON, RICHARD**, Calster, Lincolnshire, grocer, Sept. 24, Calster. Off. Ass. Haddelsey; Sols. Brown & Co., Lincoln.—Pet. f. Sept. 5.

**COOKE, MARK THOMAS**, Clerkenwell-green, jeweller, Sept. 21, Birmingham. Off. Ass. Kinnear; Sols. Chidley, 25, Old Jewry, London; Hodgson & Co., Birmingham.—Pet. f. April 8.

**COOMES, AMELIA**, Bristol, assistant to a bookseller, Oct. 2, Bristol. Off. Ass. Harley; Sol. Brittan, Bristol.—Pet. f. Sept. 5.

**COOPER, JOHN**, Macclesfield, Cheshire, silk manufacturer, Sept. 24, Manchester. Off. Ass. Pott; Sol. Barclay, Macclesfield.—Pet. f. Sept. 7.

**CORRELL, WILLIAM**, Leicester, baker, Sept. 26, Leicester. Off. Ass. Ingram; Sol. Chamberlain, Leicester.—Pet. f. Sept. 8.

**CRAECKER, JOHN**, Bristol, carpenter, Oct. 2, Bristol. Off. Ass. Harley; Sol. Hill, Bristol.—Pet. f. Sept. 7.

**CROSS, CHARLES**, St. Albans, Hertfordshire, tin-plate worker, Sept. 24, St. Albans. Off. Ass. Simpson; Sol. Annanley, St. Albans.—Pet. f. Sept. 2.

**DAVIS, GIDEON**, Peckham, Worcestershire, bricklayer, Sept. 23, Redditch. Off. Ass. Browning; Sol. Corles, Worcester.—Pet. f. Sept. 9.

**DAVIS, ROBERT**, Birmingham, milk-seller, Sept. 25, Birmingham. Off. Ass. Kinnear.—Pet. f. Sept. 5.

**DICKINSON, PETER**, Kingston-upon-Hull, cab proprietor, Sept. 23, Hull. Off. Ass. Phillips; Sol. Chester, Hull.—Pet. f. Sept. 8.

**DRUMMOND, THOMAS HALLIDAY**, Birkenhead, Cheshire, stationer, Sept. 30, Birkenhead. Off. Ass. Gill; Sol. Kymas, Liverpool.—Pet. f. Sept. 4.

**FARRAND, JOHN**, Huddersfield, Yorkshire, dyer, Sept. 28, Huddersfield. Off. Ass. Jones; Sol. Dransfield, Huddersfield.—Pet. f. Sept. 3.

**FILDEW, HENRY**, East Stonehouse, Devonshire, greengrocer, Sept. 24, East Stonehouse. Off. Ass. Pearce; Sol. Fowler, Plymouth.—Pet. f. Sept. 9.

**GASKELL, JACOB**, Broughton, near Manchester, hair dresser, Sept. 24, Salford. Off. Ass. Mutton; Sol. Moser, Manchester.—Pet. f. Sept. 7.

**GODDARD, HENRY**, Hathamsage, Derbyshire, grocer, Sept. 23, Bakewell. Off. Ass. Hubberty; Sol. Neale, Matlock.—Pet. f. Sept. 7.

**GRAVES, JOHN**, Sheffield, razor blade forger, Sept. 30, Sheffield. Off. Ass. Wake; Sol. Passmore, Sheffield.—Pet. f. Sept. 10.

**HAGUE, HENRY MUNT**, Ashton-under-Lyne, Lancashire, out of business, Sept. 20, Manchester. Off. Ass. Hartman; Sol. Raham, Manchester.—Pet. f. Sept. 8.

**HALL, HENRY**, Walsall, Staffordshire, grocer, Sept. 25, Birmingham. Off. Ass. Whitmore; Sol. Wilkinson, Walsall.—Pet. f. Sept. 8.

**HARD, HENRY**, Felsall, Staffordshire, carpenter, Sept. 23, Birmingham. Off. Ass. Kinnear; Sol. Esworth, Wednesbury.—Pet. f. Sept. 5.

**MICKINGBOTHAM, THOMAS**, Derby, tailor, Sept. 25, Derby. Off. Ass. Weller; Sol. Leach, Derby.—Pet. f. Aug. 30.

**MYDS, JOHN**, Glossop, Derbyshire, milk dealer, Sept. 22, Chapel-le-Grith. Off. Ass. Bennett; Sol. Hodgson, Manchester.—Pet. f. Sept. 8.

**JENNINGS, ALEXANDER**, Birmingham, electro plate manufacturer, Sept. 28, Birmingham. Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Sept. 7.

**LAWRENCE, CHARLES WILLIAM**, Keynham, Somersetshire, dealer in jewellery, Oct. 2, Bristol. Off. Ass. Harley; Sol. Brittan, Bristol.—Pet. f. Sept. 5.

**LEACH, EDWARD**, Waterbeach, Cambridgeshire, builder, Oct. 3, Cambridge. Off. Ass. Eades; Sols. Whitehead & Co., Cambridge.—Pet. f. Sept. 5.

**LEE, JOHN**, Saint Helen's, Lancashire, ale dealer, Sept. 25, Liverpool. Off. Ass. Turner; Sol. Beasley, Saint Helen's.—Pet. f. Sept. 8.

**LEWIS, WILLIAM HENRY**, Birmingham, out of business, Sept. 28, Wolverhampton. Off. Ass. Brown; Sol. Walker, Wolverhampton.

**MATTEY, HENRY**, Leominster, Herefordshire, painter, Sept. 25, Birmingham. Off. Ass. Whitmore; Sols. Moore, Leominster; Bees, Birmingham.—Pet. f. Sept. 9.

**MEE, JOSEPH**, Sheephead, Leicestershire, gardener, Sept. 25, Derby. Off. Ass. Weller; Sol. Leach, Derby.—Pet. f. Aug. 12.

**MORRIS, PIERCE**, Handsworth, Staffordshire, coal merchant, Sept. 28, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. Sept. 3.

**OYLER, GEORGE ALFRED**, Brighton, licensed victualler, Sept. 30, Brighton. Off. Ass. Evershed; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. Sept. 7.

**PICKER, NATHANIEL**, Stoke-upon-Trent, Staffordshire, packer, Sept. 25, Stoke-upon-Trent. Off. Ass. Keary; Sols. Tennant & Co., Hanley.—Pet. f. Sept. 7.

**RILEY, JOHN SHORHOUSE**, Birmingham, powder-sack manufacturer, Sept. 28, Birmingham. Off. Ass. Guest; Sols. Collis & Co., Birmingham.—Pet. f. Sept. 7.

**RODWELL, GEORGE**, St. Albans, Hertfordshire, shoemaker, Sept. 28, St. Albans. Off. Ass. Simpson; Sol. Annanley, St. Albans.—Pet. f. Sept. 2.

**SCHOFIELD, JOHN**, Helm, Yorkshire, schoolmaster, Sept. 23, Huddersfield. Off. Ass. Jones; Sol. Taylor, Huddersfield.—Pet. f. Aug. 25.

**SEABY, WILLIAM STEPHAN**, Southampton, merchant's clerk, Oct. 3, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Sept. 8.

**SEAW, HIRAM HENRY**, Nottingham, auctioneer, Oct. 7, Nottingham. Off. Ass. Patchitt; Sol. Quarles, Nottingham.—Pet. f. Sept. 10.

**SIDDENS, JOSEPH**, Tipton, Staffordshire, hatter, Sept. 28, Birmingham. Off. Ass. Kinnear; Sols. Round, Tipton; James & Co., Birmingham.—Pet. f. Sept. 9.

**SKIDMORE, JOHN**, Oldswinford, Worcestershire, puddler, Sept. 22, Stourbridge. Off. Ass. Harward; Sol. Corles, Worcester.—Pet. f. Sept. 7.

**SMITH, JAMES HENRY**, Sandown, Isle of Wight, clerk in the War Department, Sept. 23, Newport. Off. Ass. Blake; Sol. Joyce, Newport.—Pet. f. Sept. 7.

[For continuation of Gazette, see p. 333.]



CONTENTS.

London Gazettes.....	330
Leading Article .....	331
Review .....	333
Statutes passed during the late Session of Parliament.	

NAMES OF THE CASES REPORTED.

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

The Attorney-General v. Clifton.—( <i>Educational charity—Appointment of trustees—Schoolmaster—Religious qualification</i> ) .....	939
Thompson v. Cartwright.—( <i>Annuity deed—Involment—Annuity Act, 53 Geo. 3, c. 141, s. 10—Incumbrances—Notice—Solicitor—Fraud</i> ) .....	940

VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

In re Singleton's Estate.—( <i>Lands Clauses Act, sect. 80—Costs</i> ) .....	941
In re Tylden's Trust.—( <i>Practice—Payment out of court—Tenants in tail</i> ) .....	942

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

In re Adelaide Hill's Share under Settlements of the 11th April, 1812, and 27th November, 1822, and in re The Trustees Relief Acta.—( <i>Marriage settlement—Agreement to settle after-acquired property of wife—Recital and covenant</i> ) .....	942
Strange v. Fooks and Others.—( <i>Principal and surety—Release of surety—Negligence of creditor—Notice—Acquiescence—Costs</i> ) .....	943

COURT OF COMMON PLEAS.

By H. RUTHERFURD, Barrister at Law.

Stott and Others v. Clegg and Others.—( <i>Turnpike tolls—Composition by lessee—3 Geo. 4, c. 126, s. 55</i> ) .....	945
Josling v. Kingsford.—( <i>Contract—Subject of sale</i> )..	947
Ex parte Holden.—( <i>Divorce Court—20 &amp; 21 Vict. c. 85, s. 52—Registry of decree under 1 &amp; 2 Vict. c. 110—Motion to expunge</i> ) .....	948

THE JURIST.

LONDON, SEPTEMBER 19, 1863.

So much use has been made of the name and authority of the late John Austin in the recent discussion of projects for codifying the English law, and so little notice has been taken of the distinctions laid down, and the difficulties suggested, by him, that it will be worth while to state what is to be gathered, in relation to the subject, from the few and fragmentary writings of that acute thinker.

The opinion of the author of "The Province of Jurisprudence Determined," as regards the existing and the possible forms of the English law, are contained in the 37th, 38th, and 39th of his Lectures on Jurisprudence; in some rough "Notes on Codification," printed by his widow under the injudicious advice of friends—for they are plainly antecedent in date to, and merely formed the materials for, the 39th Lecture; and in a short and separate article on codification and law reform.

In his 37th Lecture\*, Mr. Austin explained, in a more didactic and formal manner than had previously been done, the differences between *statute law* and what he calls *judiciary law*. The two important differences are—first, that statute law is always a rule prescribed in abstract terms for future conduct, while a judiciary law is a principle established by the decision of a particular case not literally governed by any existing statute or precedent, the business and object of the judge being to decide that case in accordance, or rather in harmony, with the known law, while the effect is to create a precedent to govern or guide in the decision of other cases; and hence the second difference—that a statute, being the expression of his meaning, in terms selected by the legislator for the purpose, must be interpreted and applied according to the strict purport of its language; but a judiciary law

is to be inferred from the circumstances of the case, and the effect of the decision on it, and not (otherwise than by way of gloss or guide where the ratio decidendi may be doubtful) from the reasons given by the judge for his decision; so that an inaccuracy in the expression of a statute may involve failure or doubt in its operation, but in the language of a judgment is of little or no importance.

"A law (or rule of law) made by judicial decision exist nowhere in a general or abstract form. Before it can be known, it must be gathered from the grounds or reasons of the specific decision or decisions by which it was virtually established. It therefore is complicated with the peculiarities of the specific case or cases to the adjudication of which it was applied by the tribunals. In order that its import may be correctly ascertained, the peculiar circumstances of the cases to which it was applied, as well as the general propositions which occur in the decisions, must be observed and considered. For these general propositions being thrown out by the tribunal with a view to the decision of a specific case, they must be taken in conjunction with, and must be limited by, the specific or individual peculiarities by which that case was distinguished. Such general propositions occurring in the course of a decision as have not this implication with the specific peculiarities of the case, are commonly styled extra-judicial, and commonly have no authority." [Rather never—the office of the judge is to decide, not to utter abstractions; what he does in the exercise of his office is a binding precedent; what he propounds is merely the opinion of a lawyer.] "In short, though a rule or principle is established by the decision or decisions, and is applicable and actually applied to subsequent and resembling cases, that rule or principle lies in concreto, and must be gotten from the decision by which it was established, through a process of abstraction and deduction." (Lectures, vol. 2, p. 323). This is followed by a sentence which Mr. Austin, on reconsideration, would probably have expunged:—"Before we can find the import of the general principle or rule, we must exclude the peculiarities of the case to which it was applied, and must consider the decision to which the tribunal would have

\* We may remark, that, by some accident, a digression in this lecture on the Pandects and Code has been separated into two parts, which appear in the printed text, with a dyke or vein of the general discourse intervening.



come if its decision had not been modified by those specific differences." It is obvious that such a process would be equivalent to judging a new case—establishing a new principle. In extracting a rule from a decision, we consider merely what the decision is, not what it might have been had the case been different. We discard all the circumstances which did not affect the decision, and obtain our rule, by describing in general terms the material circumstances and the legal consequence. Hence, the perfection of a report of a decision is to state no circumstances but those which conduce to the legal result, no judicial remarks but those which bear upon the facts to which the decision applied; and hence the utility of having reports of several decisions which involve the same principle, in order that by comparison the immaterial circumstances in each may be eliminated.

On the other hand, "by reason of the abstract form which is given to a statute law, the words of the statute law are almost parcel of the statute. The terms through which the Legislature tried to convey its intentions, were probably measured as carefully as the intention which it tried to convey; and the interpreter ought to infer (unless the contrary manifestly appear), that it employed them with the obvious meaning which custom has annexed to them, and not with a sense which is unusual, and therefore recondite and obscure. If the literal meaning of the words were not the primary index (or were not scrupulously regarded by the interpreter), all the advantages (real or supposed) of statute legislation would be lost; for the purpose is to give an index more compendious, compact (or lying together), and therefore less fallible than is that to a judiciary rule. But if the interpreter might ad libitum desert the literal meaning, no such index could be given." [We shall see presently whether, even in the opinion of the lecturer, the index to a judiciary rule is generally less fallible than that to a statute law.]

"In the case, therefore, of a statute, the primary index to the law which the lawgiver intended to establish, is the grammatical sense of the words in which the statute is expressed. But the primary index to a rule created by a judicial decision is not the grammatical sense of the words or terms in which the judicial decision was pronounced by the legislating judge; and, a fortiori, it is not the grammatical sense of the very words or terms in which the legislating judge uttered his general propositions\*."

After observing that the rule established by, or followed in, a decision is frequently called the "*ratio decidendi*," and distinguishing it from what is called the "*ratio legis*," or inducements to the making of a law, which latter is not a law, the lecturer proceeds to remark on the use and abuse of reference to the *ratio legis* in interpreting statute law, and then digresses to topics which are foreign to our present purpose.

The subject of the 38th and 39th Lectures is "the

advantages and disadvantages of judicial or improper legislation, and the possibility of excluding that prevalent mode of legislation by means of *codes* or *systems of statute law*." After disposing of some objections to judiciary law which he considers groundless, the lecturer proceeds to suggest "a few of the numerous evils which, in his opinion, judiciary law really produces." First, it exists nowhere in fixed or determinate expression. It lies in concrete, and must be got at by a process of abstraction and deduction, which "is not uncommonly a delicate and difficult process, its difficulty being proportioned to the number and the intricacy of the cases from which the rule that is sought must be abstracted and induced. Consequently a rule of judiciary law is less accessible and knowable than a statute law, provided (that is to say) that the statute law with which the rule is compared be not only expressed in *abstract and brief* expressions, but also in such expressions as are *apt* and *unambiguous* as may be. For (as I shall shew immediately) the very indeterminateness of its form (or the very indeterminateness of the signs by which it is signified or indicated) renders a judiciary law less uncertain in effect than a statute law unaptly and dubiously worded. But assuming that a statute law is aptly and unambiguously worded (or as aptly and unambiguously worded as the subject and language will permit), it is more accessible and knowable than a rule of judiciary law, which must be obtained through the process to which I have adverted above. And it must be recollected, that whether it be performed by judges applying the rule to subsequent cases, or by private persons in the course of extra-judicial business, this delicate and difficult process is commonly performed in haste, inasmuch that judges in the exercise of their judicial functions, and private persons in their extra-judicial transactions, must often mistake the import of the rule which they are trying to ascertain and apply" (p. 360).

Second objection; judiciary law is generally not only applied, but also made, in haste.

Thirdly; a judiciary law is an *ex post facto* law, and, in relation to the case to which it is first applied, has commonly, though not universally, the effect of a law of the kind. Not universally, because the decisions of the Court are often anticipated by private practitioners.

Fourthly; though there is more of stability and coherency in judiciary law than might at the first be imagined, it is really vague and inconsistent, because of the enormous bulk of the documents in which it must be sought, and the difficulty of extracting the law from the decisions when they are found. The consequent evils are, that it is nearly unknown to the community, and is known imperfectly to the mass of lawyers, and even to the most experienced. Of the most simple and frequently-applied rules, the laity have some notion; but, so far as knowledge of the law is important, the more complex cases might as well be decided arbitrarily as according to judiciary law. Now, though the law can never be so condensed and simplified, that any considerable portion of the community may know much of it, it may, in the lec-

\* Nor is it necessary that the general grounds should be expressed by the judge; in which case the only index is the specialities of the decision as construed (or receiving light) from the nature or class of the case—an inference *ex rei natura*. (See Thibaut & Mühlenbruch).

turer's opinion, be so condensed and simplified, that lawyers may know it; and it may be so arranged, that each of the different classes of persons may know something of the part with which they are chiefly concerned.

But this evil is not peculiar to judiciary law. Statute law badly expressed, and made bit by bit, may be just as bulky, and just as inaccessible, as law of the opposite kind. But the evil is inherent in judiciary law, and may be avoided in the other kind.

Fifthly; there does not appear to be any test by which the validity of a rule made judicially can be ascertained. Is it the number of concurrent decisions, or the consistency and harmony of the new rule with the bulk of the legal system, or the reputation of the judge? This cause of uncertainty is not necessarily inherent in statute law. [Surely the teaching of experience with respect to the comparative uncertainty of statute and judiciary laws might have been anticipated by theory. Formal legislation always has been, and probably always will be, performed in haste, and more or less by untrained legislators, and upon other than merely scientific considerations. Judicial precedents, on the contrary, are the fruit of careful preparation and free and deliberate discussion by skilful lawyers, before judges at least equally skilful and experienced, and wholly unprejudiced. From such machinery we ought to obtain the most perfect results that human institutions can produce.]

Sixthly; "In consequence of the implication of the *ratio decidendi* with the peculiarities of the decided case, the rule established by the decision (or the *ratio* or the general principle of the decision) is never or rarely comprehensive." The meaning here is, not that the decision is necessarily wrong, as being founded on too narrow a view, but that it does not furnish a binding precedent for cases analogous, but containing different circumstances, which, being significant, may involve a different result. In other words, the decision settles the rule for the species, but not for the genus. One answer to this objection is suggested by the lecturer's observation, that the inconvenience is probably of the essence of judiciary law. "So delicate and difficult is the task of legislation, that any comprehensive rule made in haste and under pressure of business, would probably be ill adapted to meet the contemplated purpose." The legislation of the courts is essentially tentative, and therefore it generally harmonises with the existing system. Scarcely any human wisdom (certainly not the wisdom of an English legislative assembly, or of the professional adventurers who make a trade of law reform) can be trusted to devise and foresee the effects of general rules, or to express them in terms consistent with the system of law upon which they are to be grafted. But the suggested inconvenience of the limited application of new precedents is not particularly felt at the present day. The circumstances of a settled society do not change so rapidly as to require the frequent creation of new genera, or even of new species, of laws; and the judiciary law, like the course of nature, adapts itself, perhaps as rapidly as is desirable, to the change of circumstances, by the gradual modification, rather than by the creation, of species.

Seventhly; "Wherever much of the law is judiciary law, the statute law which co-exists with it is imperfect, unsystematic, and bulky. For the judiciary law is, as it were, the nucleus around which the statute law is formed. The judiciary law contains the *legal dictionary*, or the definitions and expositions (in so far as such exist) of the leading technical terms of the entire legal system. The statute law is not a whole of itself, but is formed or fashioned on the judiciary law, and tacitly refers throughout to those leading terms and principles which are expounded by the judiciary; and hence, as I shall shew immediately, arises the greatest difficulty in the way of codification. For in order to the exclusion of the judiciary law, and to the making of the code a complete body of law, the terms and principles of the judiciary law must not be assumed tacitly, but must be defined and expounded by the code itself—a process which people may think an easy one, until they come to try it. Whenever, therefore, most of the law consists of judiciary law, the statute law is not of itself complete, but is merely a partial and irregular supplement to that judiciary law which is the mass and bulk of the system. The statute law is not of itself an edifice, but is merely a set of irregular or unsystematic patches, stuck from time to time upon the edifice reared by the judges" (p. 369). Whence the lecture concludes, that wherever much of the law consists of judiciary law, the entire legal system is necessarily a monstrous chaos, partly consisting of judiciary law, introduced bit by bit, and embedded in a measureless heap of particular decisions, and partly of legislative law, stuck by patches on the judiciary law, and embedded in a measureless heap of occasional and supplemental statutes. It is strange that the lecturer did not perceive that this condemnation of judiciary law has no practical foundation or value. If a system of laws could be settled once for all, and remain unchanged, the choice between the judiciary and legislative forms would depend upon very different considerations from those which, as society is constituted, must determine the question. Since laws must always be changing, and judicial precedents, if we wish to retain consistency and certainty in the administration of the law, must always be followed, the edifice of the law for the time being, however constituted, must always be undergoing the process of patching; and the patches, considered apart from the edifice, will be incoherent, whether they are in the judiciary or in the legislative form. But the judiciary law is as capable of arrangement without losing its form as is law in the shape of statutes, and patching may be done upon a digest with as much regularity and precision as upon a code.

We must defer until our next number the statement of Mr. Austin's conclusions with regard to codification, and our remarks upon the whole.

#### Reprints.

*A Popular and Practical Introduction to Law Studies, and to every Department of the Legal Profession.* By SAMUEL WARREN, Esq., of the Inner Temple, D.C.L., Oxon., F.R.S., one of her Majesty's Counsel, Recorder of Hull, and Master in Lunacy. 2 vols., demy 8vo. [Maxwell.]

THE third edition of this well-known work, "entirely re-written and greatly enlarged," has been recently presented to the public. It has occupied the

learned author (as we are informed in the Preface) every moment during the last six years that could be spared from his duties—"professional, parliamentary, and official." Nevertheless, the book remains little altered in tone and character. Careless of the keen criticisms which the former editions provoked, Mr. Warren has put forward this further issue of his book, with all its original demerits, and the additional one, that it now contains nearly twice as many pages as it did before.

"Warren's Law Studies" has always seemed to us to bear somewhat the same relation to the other well-known introductory treatises on law that the historical romance bears to real history. Throughout the book what is strictly useful and authentic is strangely combined with the fanciful and amusing. The reader's attention is perpetually distracted from the labour of learning, by the pleasant but discursive loquacity of the author. There is scarcely a page in which sound advice and valuable information are not blended with disquisitions on subjects of remote relation to the matter in hand, and thoughtless gossip about the author and his friends.

We make these observations reluctantly, for the book is written in a kindly spirit, and contains much matter that could only be gathered together by an able and accomplished man. It possesses great literary merit—is the only book of its kind—and, despite its faults—nay, perhaps, because of its faults, we believe it will preserve its popularity. But we are only concerned with it as a law book intended for law students, and we feel bound to express the opinion that it never has been, and never will be, of much practical use to those for whom it professes to have been written. We have no doubt Mr. Warren would be much disappointed if he thought his labours on behalf of his juvenile brethren were thrown away; but whether consciously or not, we cannot help thinking that the book is addressed to a much larger and less discriminating portion of society. For instance, no student of average observation and intelligence could be expected to read, with any other feeling than amusement, Mr. Warren's enumeration of the mental gifts indispensably necessary for success at the Bar, while general readers, and the admirers of the author, cannot fail to be impressed with the statement, that no man can reasonably hope for distinction in the Profession who does not possess, among other qualifications, "a capacity of sustained attention," "clearness of perception," "a logical turn of mind," "soundness of judgment," "strength of memory," "calmness," "patience," "steadiness," "self-denial," and for superior success in court practice there must be added, "rapidity and flexibility, or" (as the author explains) "versatility of mental action," "an argumentative turn of mind," "force and readiness of expression and illustration," "eloquence," "tact," "general knowledge," "self-command," "sensibility," "veracity," "courage," and "presence," which last a foot-note explains to mean, "port, air, demeanour."

We could give other instances of the author's disposition to talk at the unlearned reader, but, as we have said before, we are only interested in his labours as they affect the Profession. Of the thirty-four chapters, into which the book is divided, about half are taken up with elementary treatises on the different departments of English law. These are written in a popular way, and to these a student, whose energies were dulled by a long vacation, and who was unequal to any but the gentlest mental exercise, might turn his attention with some advantage. The opening chapter on law as it is, and law as it was, are a clever, though not very laborious, sketch of the improvements in procedure since 1830. The rest of the book is de-

voted, for the most part, to enthusiastic disquisitions on the grandeur of the law, homilies on the high honour which should distinguish those who practice it, and copious counsel, of a description not overprofound, on the formation of what is called "a legal character."

The necessity of acquiring universal information, with a view to obtaining even a moderate success, is impressed with amusing eagerness on the student's mind. A course of preparatory studies is recommended which would occupy, at least, fifty years, and a number of other suggestions of an equally unpractical character are offered with an invincible indifference to the shortness of life, and the infirmity of the human mind. Mr. Warren seems to us to have failed in his part of mentor to the student mind, from an inclination to undervalue the capacity and acquisitions of those to whom his suggestions are offered. His leading-strings are far too frail for the vigorous well-disciplined intellects that are every year enlisted in the study of the law.

The truth is, as every man knows who has laboured to obtain a mastery of his profession, the student of English law must teach himself; he must fill from the first the twofold capacity of tutor and pupil, and he may despair of his success in either capacity if he need five hundred pages of advice as to how he should proceed.

The subject of study once indicated to him, the corpus juris civilis once laid open before him, almost any law book placed in his hands will bring him to the very sources of English jurisprudence, viz. reported cases. "*Melius est petere fontes quam sectari rivulos*," says Lord Coke. It is the one virtue of the English law, that to the attentive reader there is no mystery or difficulty about the administration of justice. If our student cannot learn from the lips of the judges, he may rest assured that the admonitions of Mr. Warren will avail him little.

Although Mr. Warren supported the movement for establishing lectures in the Inns of Court, we gather that he is not altogether satisfied that the system has been attended with success. "The author," he says (p. 1229), "as one of those responsible for the adoption and continuance of that system, feels indisposed to express any dissatisfaction with it, and it would not become him in any way to disparage it. He, on the contrary, cordially wishes it success, and that the readers and students would rival each other in efforts to secure that success."

We fear the learned author must have entertained exorbitant views of what lectures in law can achieve. To the diligent students, about whom alone we need concern ourselves, the lectures afford (we have strong reason for thinking) a most valuable "introduction to law studies," and we believe that one of the three years, which Mr. Warren recommends should be spent in the chambers of the practitioner, would be much better employed in attending the law classes. We think Mr. Warren is too much disposed to stand on the ancient ways as regards the methods of studying the common law. Exclusive and indiscriminate attendance at the chambers of a pleader or a barrister in large practice has been the source of a great part of the narrowness and cowardice which have characterised the legal mind in this country during the last century. We consider the system little suited to our reformed procedure, and the more enlightened modes of administering the law which now prevail. We do not think that Mr. Warren is sufficiently alive to the changes which have taken place within the last few years in the position of the young advocate. In former times, no doubt, the labours of pleader's chambers afforded a fair preparation for the lamenta-

ble pursuits of the earlier years of a barrister's life. He was but too often no better than the interpreter between the Court and the pleader, and without an intimacy with the trickery of pleading and practice he could make little way. But now the avenue to success is through the *Nisi Prius* courts; the barrister must commence where he formerly continued his career. He may be the first man of his year, and the favourite pupil of "a great pleader," but if he cannot examine a witness and address a jury with reasonable skill and perspicacity, he will fail. There are arts, therefore, which must now be acquired, and acquired early, which never were imparted—we may almost say—never known in the regions of gloom and drudgery, where pleaders, and their brethren of a larger growth, the pleading barristers, are to be found.

How these arts are to be acquired, each diligent student will discover for himself. Suffice it for us to point out the necessity for possessing them. We are not to be tempted into giving advice. We are discouraged by the failure of so able and pains-taking a man as Mr. Warren.

STEPHENSON, JOSEPH, Derby, draper's assistant, Sept. 25, Derby. Off. Ass. Weller; Sol. Haywood, Derby.—Pet. f. Aug. 31.  
TITTERTON, CHARLES, Great Marton, Lancashire, wheelwright, Sept. 25, Poulton. Off. Ass. Patteson; Sol. Plant, Preston.—Pet. f. Sept. 1.  
TILLEY, WILLIAM, Manchester, ropemaker, Sept. 23, Warrington. Off. Ass. Nicholson.—Adj. Aug. 14.  
TERTON, JOHN, Sheffield, moulder, Sept. 30, Sheffield. Off. Ass. Waks; Sol. Blaney, Sheffield.—Pet. f. Sept. 9.  
WHITE, CHARLES FELGATE, Durham, grocer, Sept. 25, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Hodge & Co., Newcastle-upon-Tyne.—Pet. f. Sept. 9.  
WOODWARD, CORNELIUS, Clown, Derbyshire, farmer, Sept. 19, Worksop. Off. Ass. Newton.—Adj. Aug. 20.

## TUESDAY, Sept. 15.

### BANKRUPTS.

#### To be heard in London.

BELL, WILLIAM HENRY, Calthorpe-street, Gray's-inn-lane, warehouseman, Sept. 25. Off. Ass. Cannan; Sol. Chidley, 25, Old Jewry.—Pet. f. Sept. 10.  
BOREHAM, JAMES, Roman-road, Barnsbury, carpenter, Sept. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 8.  
CROOK, GEORGE, King's Arms-court, Finsbury, painter, Sept. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 8.  
CURNIN, ELLEN, Lewisham, Kent, of no business, Sept. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 10.  
FISHER, REBECCA, Devonshire-place, Edgware-road, of no business, Sept. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 8.  
HARPER, JOSEPH, New Romney, Kent, farmer, Sept. 25. Off. Ass. Cannan; Sols. S. F. Langham & Co., 10, Bartlett's-buildings, Holborn; J. G. Langham & Co., Hastings, Sussex.—Pet. f. Sept. 10.  
MATCHETT, JOHN, Enfield-highway, out of business, Sept. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 8.  
OLDFIELD, VINCENT HOWARD, Connaught-terrace, Edgware-road, out of business, Sept. 25. Off. Ass. Cannan; Sol. Charnock, 51, King William-street.—Pet. f. Sept. 12.  
PARIS, JAMES FRANCIS, Ipswich, Suffolk, Berlin wool dealer, Sept. 25. Off. Ass. Cannan; Sol. Jones, Colchester.—Pet. f. Sept. 11.  
PRICE, EDWARD, Warminster, Wiltshire, grocer, Sept. 25. Off. Ass. Cannan; Sols. Linklaters & Co., 7, Walbrook.—Pet. f. Sept. 11.  
QUICKLEY, JAMES HENRY, Forest-hill, Kent, saddler, Sept. 25. Off. Ass. Cannan; Sol. Charnock, 51, King William-street.—Pet. f. Sept. 12.  
RUSSELL, HENRY BAKER, Gloucester-terrace, New-road, Commercial-road East, carpenter, Sept. 25. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. Sept. 12.  
SCOTT, THOMAS, Roupell-street, Blackfriars, and New Milford, Pembroke-shire, out of employ, Sept. 25. Off. Ass. Cannan; Sol. Bartley, 10, Rucklensbury.—Pet. f. Sept. 11.  
SKELEY, JOSEPH, Fomsonby-place, Pimlico, out of business, Sept. 25. Off. Ass. Cannan; Sol. Lowery, 7, New-inn, Strand.—Pet. f. Sept. 9.  
SHACKLETON, ABRAHAM SAMUEL, Gracechurch-street, appraiser, Sept. 25. Off. Ass. Cannan; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Sept. 12.  
SHINGFIELD, ADAM, Jubilee-street, Commercial-road East, carpenter, Sept. 25. Off. Ass. Cannan; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Sept. 12.  
SMITH, CONSTANTINE, New-square, Minories, clerk in the London and North-western Railway, Sept. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 9.  
SMITH, GEORGE, Johnson-street, Notting-hill, painter, Sept. 25. Off. Ass. Cannan; Sol. Hare, 66, Basinghall-street.—Pet. f. Sept. 11.  
THOMAS, REBECCA, Walthamstow, Essex, spinster, Sept. 25. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Sept. 9.  
TUCK, WILLIAM, Bolt, Norfolk, innkeeper, Sept. 25. Off. Ass. Cannan; Sols. Sudd, Norwich; Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. Sept. 10.

WATKINS, JOHN EAMES, Hampden-street, Harrow-road, Paddington, out of business, Sept. 25. Off. Ass. Cannan; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Sept. 11.  
WILLIAMS, FREDERICK GEORGE, Rose-lane, Ratcliff, and Exmouth-street, Commercial-road East, Mile-end Old-town, wine cooper, Sept. 25. Off. Ass. Cannan; Sol. Webster, 10, Tokenhouse-yard.—Pet. f. Sept. 9.  
WILLMOTT, WILLIAM BALLARD, Bishop's Hatfield, Hertfordshire, coal merchant, Sept. 25. Off. Ass. Cannan; Sol. Hare, 66, Basinghall-street.—Pet. f. Sept. 12.

#### To be heard in the Country.

ANDREW, HENRY, St. Ives, Cornwall, master mariner, Sept. 30, Exeter. Off. Ass. Hirtzel; Sols. Treasider, St. Ives; Hirtzel, Exeter.—Pet. f. Sept. 12.  
BARTON, JAMES, and BARTON, JAMES, the younger, Crickhowell, Breconshire, cattle salesmen, Sept. 24, Crickhowell. Off. Ass. Davies; Sol. Lewis, Crickhowell.—Pet. f. Sept. 12.  
BROOKS, SAMUEL, Leek, Staffordshire, timber dealer, Sept. 25, Leek. Off. Ass. Bloore; Sol. Smith, Leek.—Pet. f. Sept. 10.  
BURN, JAMES, Birmingham, shopkeeper, Sept. 28, Birmingham. Off. Ass. Guest.—Pet. f. Sept. 1.  
BUTLER, HENRY, Darlington, Staffordshire, out of business, Sept. 24, Dudley. Off. Ass. Walker; Sol. Slater, Darlington.—Pet. f. Sept. 5.  
CRINAOK, MICHAEL, Nottingham, out of business, Oct. 7, Nottingham. Off. Ass. Patchitt; Sol. Ashwell, Nottingham.—Pet. f. Sept. 12.  
DARBYSHIRE, THOMAS, Birmingham, jeweller, Sept. 28, Birmingham. Off. Ass. Guest.—Pet. f. Sept. 1.  
DRAGE, ALFRED, Northampton, baker, Sept. 26, Northampton. Off. Ass. Dennis; Sols. Shield & Co., Northampton.—Pet. f. Sept. 10.  
EARP, CHARLES, and BOSTOCK, ROBERT, Hinckley, Leicestershire, hosiery manufacturer, Sept. 28, Birmingham. Off. Ass. Kinnear; Sols. Preston, Hinckley; Reece, Birmingham.—Pet. f. Sept. 7.  
GARFORTH, HENRY SAGAR, Bradford, Yorkshire, butcher, Oct. 8, Bradford. Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. Sept. 11.  
GORTON, CHARLES SMITH, Oldham, Lancashire, painter, Sept. 24, Oldham. Off. Ass. Summerscales; Sol. Lowe, Oldham.—Pet. f. Sept. 5.  
HEAP, WILLIAM, Huddersfield, Yorkshire, cotton-waste dealer, Sept. 25, Leeds. Off. Ass. Young; Sols. Craven, Huddersfield; Bond & Co., Leeds.—Pet. f. Sept. 11.  
KENDRICK, FREDERICK, Stone, Staffordshire, innkeeper, Oct. 7, Stone. Off. Ass. Middleton; Sol. Robinson, Stafford.—Pet. f. Sept. 7.  
KINGTON, JOHN, Penselwood, Somersetshire, innkeeper, Sept. 28, Wincanton. Off. Ass. Measiter; Sol. Chittry, Shaftesbury, Dorsetshire.—Pet. f. Sept. 11.  
LANGMAN, GEORGE, Wolverhampton, Staffordshire, auctioneer, Sept. 28, Birmingham. Off. Ass. Whitmore; Sols. Underhill & Co., Wolverhampton; Green, Birmingham.—Pet. f. Sept. 10.  
LEE, JOSEPH, Leicester, engineer, Sept. 29, Nottingham. Off. Ass. Harris; Sols. Browns & Co., Nottingham.—Pet. f. Sept. 10.  
MALTY, WILLIAM, Nottingham, out of business, Oct. 7, Nottingham. Off. Ass. Patchitt; Sol. Brown, Nottingham.—Pet. f. Sept. 12.  
MEDDINGS, THOMAS, Sheffield, Staffordshire, out of employment, Oct. 1, Walsall. Off. Ass. Clarke; Sol. Sheldon, Wednesbury.  
MINTY, WILLIAM ATTWOOD, Cinderford, Gloucestershire, grocer, Sept. 25, Bristol. Off. Ass. Acraman; Sol. Wilkes, Gloucester.—Pet. f. Sept. 10.  
MONTAGU, ALFRED GORDON, Milford Haven, Pembrokeshire, assistant paymaster in the royal navy, Sept. 26, Haverfordwest. Off. Ass. Summers; Sol. Parry, Pembroke Dock.—Pet. f. Sept. 3.  
MORECROFT, DAVID, Stockport, Cheshire, butcher, Sept. 28, Manchester. Off. Ass. Hernaman; Sol. Smith, Stockport.—Pet. f. Sept. 11.  
MORGAN, WILLIAM, Birmingham, general dealer in skins, Sept. 28, Birmingham. Off. Ass. Guest.—Pet. f. Aug. 18.  
MORRIS, JAMES, Birmingham, carpenter, Sept. 28, Birmingham. Off. Ass. Guest.—Pet. f. Sept. 1.  
NEWTON, DANIEL, Sheffield, Joiner, Sept. 26, Sheffield. Off. Ass. Young; Sol. Ferneli, Sheffield.—Pet. f. Sept. 12.  
PHILLIPS, THOMAS, Blackburn, Lancashire, licensed victualler, Oct. 1, Manchester. Off. Ass. Pott; Sol. Swan, Manchester.—Pet. f. Sept. 10.  
POOLE, HENRY CHRISTOPHER, Bradford, Yorkshire, manager for a stuff finisher, Sept. 25, Leeds. Off. Ass. Young; Sols. Bond & Co., Leeds.—Pet. f. Sept. 10.  
ROCK, WILLIAM, Abbots Bromley, Staffordshire, bootmaker, Sept. 26, Uttoxeter. Off. Ass. Flint; Sol. Palmer, Rugeley.—Pet. f. Sept. 9.  
ROGERS, THOMAS, Buckland, Portsea, Hampshire, baker, Oct. 1, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. Sept. 11.  
SAPH, JAMES, Swansea, Glamorganshire, licensed victualler, Oct. 6, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Sept. 9.  
SHAUL, JOHN, Bath, Somersetshire, grocer, Sept. 25, Bristol. Off. Ass. Miller; Sol. Brittan, Bristol.—Adj. Sept. 9.  
SHAW, DANIEL, Wolstanton, Staffordshire, boatbuilder, Sept. 26, Hanley. Off. Ass. Challinor; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. Sept. 12.  
TAYLOR, EDWARD, Golcar, near Huddersfield, Yorkshire, manufacturer, Sept. 25, Leeds. Off. Ass. Young; Sols. Bond & Co., Leeds.—Pet. f. Sept. 14.  
TAYLOR, JAMES, Bradford, Yorkshire, out of business, Oct. 8, Bradford. Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. Sept. 11.  
WARING, CHARLES HENRY, Darran, and Glyn Neath, near Neath, Glamorganshire, mining engineer, Sept. 25, Bristol. Off. Ass. Miller; Sols. Hare & Co., Bristol.—Pet. f. Sept. 11.  
WATKINS, WALTER, Swansea, Glamorganshire, out of business, Oct. 6, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Sept. 11.  
YARDLEY, JOHN, Bilston, Staffordshire, butcher, Sept. 28, Wolverhampton. Off. Ass. Brown; Sol. Bailey, Wednesbury.

#### BANKRUPTCIES ANNULLED.

ALTMANN, EDWARD GEORGE, High-street, Whitechapel, oilman.  
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Printed by **HENRY HANSARD,** at his Printing Office, in Parker Street, in the Parish of St. Giles-in-the-Fields, in the County of Middlesex; and published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan-in-the-West, in the City of London, by **HENRY SWEET,** residing at No. 34, Porchester Terrace, Baywater, in the County of Middlesex.—Saturday, September 19, 1863.

# The Jurist

No. 455, NEW SERIES.—Vol. IX.

No. 1894, OLD SERIES.—Vol. XXVII.

SEPTEMBER 26, 1863.

PRICE 1s.

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## GAZETTES.—FRIDAY, Sept. 18.

## BANKRUPTS.

*To be heard in London.*

- ALLEN, JOHN EDWARD, Leaden-street, Chelsea, out of business, Sept. 30. *Off. Ass. Stanfield; Sol. Aldridge, 44, Moorgate-street.—Pet. f. Sept. 16.*
- BALL, FREDERICK ISAAC, Whitechapel-road, mantle warehouseman, Sept. 30. *Off. Ass. Cannan; Sol. Jones, 15, Sine-lane.—Pet. f. Sept. 11.*
- BLOKAM, ALFRED BRADLEY, Southampton-street, Strand, clerk to a wine merchant, Sept. 30. *Off. Ass. Stanfield; Sol. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Sept. 14.*
- BRANDON, JONATHAN, and NOAH, ROBERT PHILLIPS, Abchurch-lane, and Lawrence Pountney-place, wine merchants, Sept. 30. *Off. Ass. Cannan; Sol. Preston & Co., 13, Gresham-street.—Pet. f. Sept. 14.*
- BURTON, HENRY, Barden-place, High-street, Peckham, watch maker, Sept. 30. *Off. Ass. Cannan; Sol. Hall, 21, Coleman-street.—Pet. f. Sept. 15.*
- CLARK, THOMAS, Portsmouth, ginger beer manufacturer, Sept. 30. *Off. Ass. Cannan; Sol. Sole & Co., 68, Aldermanbury.—Pet. f. Sept. 14.*
- CLAYDON, SAMUEL, Shimpling, Suffolk, baker, Sept. 30. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Sept. 11.*
- DAVEY, JAMES, Bedford, carriage builder, Sept. 30. *Off. Ass. Cannan; Sol. Thomas & Co., Mincing-lane; Conquest & Co., Bedford.—Pet. f. Sept. 15.*
- DORAN, THOMAS WILLIAM, Liquorpond-street, Gray's-inn-road, calico glasser, Sept. 30. *Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 16.*
- HARVEY, AARON, Mercer-terrace, Back-road, Shadwell, boarding-house keeper, Sept. 30. *Off. Ass. Cannan; Sol. Abbott, 1, Saint Mark-street, Goodman's-Fields.—Pet. f. Sept. 15.*
- HAYES, RICHARD HAYES, Banbury, Oxfordshire, coal merchant, Sept. 30. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Sept. 11.*
- JENNINS, STEPHEN SHEPARD, and BURRELL, JOSEPH, Lawrence-lane, Chelsea, warehousemen, Sept. 30. *Off. Ass. Stanfield; Sol. Pook, 27, Basinghall-street.—Pet. f. Sept. 16.*
- PAGDIN, WILLIAM, Star-street, Shadwell, licensed victualler, Sept. 30. *Off. Ass. Cannan; Sol. Lander, 1, Snowden-villas, Kilburn.—Pet. f. Sept. 15.*
- PAIK, WILLIAM HENRY BELLEV, Bedford-row, solicitor, Sept. 30. *Off. Ass. Cannan; Sol. Treherne & Co., 75, Aldermanbury.—Pet. f. Sept. 14.*
- PURDY, THOMAS, Old Church-street, Paddington, of no occupation, Sept. 30. *Off. Ass. Cannan; Sol. Hare, 66, Basinghall-street.—Pet. f. Sept. 14.*

*To be heard in the Country.*

- ASPINALL, JOHN, Prescott, Lancashire, licensed victualler, Oct. 2, St. Helena. *Off. Ass. Ansdell; Sol. Pemberton, Liverpool.—Pet. f. Sept. 15.*
- BARNETT, ELLIAN THEOPHILUS, Leamington, Warwickshire, dealer in fire lights, Sept. 29, Warwick. *Off. Ass. Tibbitts; Sol. Kilby, Banbury.—Pet. f. Aug. 18.*
- BARRY, DAVID ALEXANDER, Liverpool, grocer, Nov. 17, Liverpool. *Off. Ass. Turner; Sol. Radcliffe, Liverpool.—Pet. f. Sept. 15.*
- BENCH, JOHN, Dudley, Worcestershire, baker, Oct. 1, Dudley. *Off. Ass. Walker; Sol. Warrington, Dudley.—Pet. f. Sept. 12.*
- BLATCHFORD, RICHARD, Highampton, Devonshire, farmer, Sept. 30, Exeter. *Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. Sept. 9.*
- BRAND, SAMUEL, Liverpool, licensed victualler, Sept. 28, Liverpool. *Off. Ass. Turner.—Adj. Sept. 15.*
- BROWN, CHARLES, Whitechurch, Devonshire, out of business, Sept. 30, Exeter. *Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. Sept. 9.*
- BROWN, GEORGE, Wolverley and Kidderminster, Worcestershire, stonemason, Sept. 30, Birmingham. *Off. Ass. Whitmore; Sol. Batham, Kidderminster; Wright, Birmingham.—Pet. f. Sept. 15.*
- CHADWAY, CHARLES, and GRANGE, RICHARD, Aston-juxta-Birmingham, sawyers, Oct. 2, Birmingham. *Off. Ass. Kinnear; Sol. Parry, Birmingham.—Pet. f. Sept. 14.*
- CLEVERDON, WILLIAM, Clovelly, Devonshire, farmer, Sept. 30, Exeter. *Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. Sept. 9.*
- COWD, FRANCIS PIKE, Sidmouth, Devonshire, tailor, Sept. 30, Hoxton. *Off. Ass. Stamp; Sol. Every, Hoxton.—Pet. f. Sept. 16.*
- CREASY, MATTHEW, West Winch, Norfolk, bricklayer, Oct. 5, King's Lynn. *Off. Ass. Wilson; Sol. Nurse, King's Lynn.—Pet. f. Sept. 15.*
- DAVIES, HOPKIN JONES, Neath, Glamorganhire, out of business, Sept. 28, Neath. *Off. Ass. Morgan; Sol. Morris, Swansea.—Pet. f. Sept. 14.*
- DAW, JOHN, Hatherleigh, Devonshire, carrier, Oct. 3, Okhampton. *Off. Ass. Burd; Sol. Coham, Holworthy.—Pet. f. Sept. 12.*
- DAWE, CHARLES, Peaseock, Worcestershire, dealer in wood, Oct. 5, Tewkesbury. *Off. Ass. Brown; Sol. Taynton, Gloucester.—Pet. f. Sept. 15.*
- DOWNS, JOHN MYDDELTON, Liverpool, commission agent, Sept. 28, Liverpool. *Off. Ass. Morgan; Sol. Anderson & Co., Liverpool.—Pet. f. Sept. 17.*
- EDWARDS, HENRY, Llangyfaer, Brecknockshire, brickmaker, Oct. 12, Tredegar. *Off. Ass. Shepard; Sol. Harris, Tredegar.—Pet. f. Sept. 15.*
- EMERSON, MATTHEW, King's Lynn, Norfolk, mariner, Oct. 5, King's Lynn. *Off. Ass. Wilson; Sol. Ward, King's Lynn.—Pet. f. Sept. 15.*
- GRAY, FRANK, Littlehampton, near Arundel, Sussex, lime merchant, Sept. 30, Arundel. *Off. Ass. Holmes; Sol. Goodman, Brighton.—Pet. f. Sept. 11.*
- GRIMES, THOMAS, Sherborne, Dorsetshire, music seller, Oct. 2, Exeter. *Off. Ass. Hirtzel; Sol. Flood, Exeter.—Adj. Sept. 12.*

- HALL, JAMES, Merthyr Tydfil, Glamorganhire, licensed victualler, Sept. 29, Merthyr Tydfil. *Off. Ass. Russell; Sol. Williams, Merthyr Tydfil.—Pet. f. Sept. 14.*
- HALL, STEPHEN, Birmingham, salesman, Oct. 26, Birmingham. *Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Sept. 15.*
- HANSALL, JOHN, Liverpool, coal merchant, Sept. 23, Liverpool. *Off. Ass. Turner.—Adj. Sept. 15.*
- HOARE, STEPHEN, Dean Prior, Devonshire, coach builder, Oct. 1, Totnes. *Off. Ass. Bryett; Sol. Michelmers, Totnes.—Pet. f. Sept. 16.*
- HODGE, WILLIAM, Braunton, Devonshire, farmer, Sept. 30, Exeter. *Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. Sept. 9.*
- HOLLIDAY, WILLIAM DALES, Beverley, Yorkshire, tailor, Sept. 29, Beverley. *Off. Ass. Crust; Sol. Summers, Hull.—Pet. f. Sept. 14.*
- HUES, JAMES JOHN, Handsworth, Staffordshire, chemist, Sept. 30, Birmingham. *Off. Ass. Whitmore; Sol. Hodgson & Co., Birmingham.—Pet. f. Sept. 16.*
- HUGHES, CHARLES HENRY, Penn, Staffordshire, butcher, Sept. 30, Birmingham. *Off. Ass. Whitmore; Sol. James & Co., Birmingham.—Adj. Sept. 14.*
- HUNT, JOHN, Fareham, Hampshire, wheelwright, Oct. 1, Portsmouth. *Off. Ass. the registrar; Sol. Paffard, Portsmouth.—Pet. f. Sept. 16.*
- JONES, JAMES, Liverpool, builder, Sept. 28, Liverpool. *Off. Ass. Morgan.—Adj. Sept. 15.*
- LEGG, JOSEPH, Bridport, Dorsetshire, ironmonger, Sept. 30, Exeter. *Off. Ass. Hirtzel; Sol. Manley, Bridport; Hirtzel, Exeter.—Pet. f. Sept. 7.*
- LEWRY, JAMES, Slougham, Sussex, huckster, Oct. 1, Cuckfield. *Off. Ass. Waugh; Sol. Goodman, Brighton.—Pet. f. Sept. 14.*
- LYNALL, HENRY, Erdington, Warwickshire, cabinet case maker, Oct. 26, Birmingham. *Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Sept. 15.*
- MAJOR, M'KENNY, Liverpool, merchant, Sept. 23, Liverpool. *Off. Ass. Morgan; Sol. Fletcher & Co., Liverpool.—Pet. f. Sept. 15.*
- MASLIN, EDWIN, Crediton, Devonshire, innkeeper, Oct. 2, Exeter. *Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Pet. f. Sept. 15.*
- MORRIS, ISAAC, Birmingham, cattle dealer, Sept. 30, Birmingham. *Off. Ass. Whitmore; Sol. Hawkes, Birmingham.—Pet. f. Sept. 14.*
- MORRISON, HENRY MARTIN, Longton, Staffordshire, ale merchant, Oct. 2, Birmingham. *Off. Ass. Kinnear; Sol. Abbsley, Longton; Smith, Birmingham.—Pet. f. Sept. 16.*
- MOUNTFORD, HENRY, Hanley, Staffordshire, warehouseman, Oct. 1, Hanley. *Off. Ass. Challinor; Sol. Harding, Tunstall.—Pet. f. Sept. 15.*
- NEWTON, JAMES WOOD, Abergeley, Denbighshire, baker, Sept. 23, Liverpool. *Off. Ass. Morgan.—Adj. Sept. 15.*
- OSWALD, ROBERT RAYDOLPH, Aston, Warwickshire, florist, Oct. 1, Birmingham. *Off. Ass. Kinnear; Sol. Smallwood, Birmingham.—Pet. f. Sept. 14.*
- PARK, WILLIAM, Preston, Lancashire, butcher, Oct. 8, Preston. *Off. Ass. Myers; Sol. Blackburn, Preston.—Pet. f. Sept. 19.*
- PARKES, GEORGE, Witton-cum-Swambrooke, Cheshire, waterman, Oct. 1, Northwich. *Off. Ass. Cheshire; Sol. Dunstan, Northwich.—Pet. f. Sept. 14.*
- PARKES, WILLIAM, Handsworth, Staffordshire, coal dealer, Oct. 1, Birmingham. *Off. Ass. Kinnear; Sol. Asinider, Birmingham.—Pet. f. Sept. 15.*
- PHIL, EDWARD CURTIS, Birmingham, out of business, Oct. 26, Birmingham. *Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Sept. 15.*
- PIGOTT, ROBERT, Derby, licensed hawk, Oct. 5, Derby. *Off. Ass. Waller; Sol. Berrough, Derby.—Pet. f. Sept. 15.*
- PUGH, WILLIAM, Werrin, Shropshire, miner, Oct. 8, Walsall. *Off. Ass. Harrison; Sol. Davies, Shrewsbury.—Pet. f. Sept. 10.*
- ROBERTS, DAVID, Liverpool, traveller to a biscuit manufacturer, Sept. 28, Liverpool. *Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. Sept. 14.*
- ROSE, THOMAS, Needingworth, Huntingdonshire, market gardener, Oct. 1, Huntingdon. *Off. Ass. Margatris; Sol. Thorp & Co., St. Ives.—Pet. f. Sept. 13.*
- SCRIVEN, JAMES, England, Monmouthshire, farmer, Oct. 5, Usk. *Off. Ass. Roberts.—Adj. Sept. 9.*
- STEAR, JOHN, Clifton, near York, farmer, Sept. 29, York. *Off. Ass. Perkins; Sol. Mason, York.—Pet. f. Sept. 15.*
- STONE, THERESA EMERY, STONE, ELISA JACINTHA, and STONE, MARY SELINA, Bristol, schoolmistresses, Oct. 2, Bristol. *Off. Ass. Acraman; Sol. Stubbs, Bristol.—Pet. f. Sept. 17.*
- SYDENHAM, AARON, Plymouth, confectioner, Oct. 7, Plymouth. *Off. Ass. Hirtzel; Sol. Edmunds & Co., Plymouth.—Pet. f. Sept. 15.*
- WHITE, FRANKS, Freemantle, Southampton, schoolmistress, Oct. 5, Southampton. *Off. Ass. Thornehill; Sol. Mackay, Southampton.—Pet. f. Sept. 15.*
- WILKINS, JAMES, Bath, Somersetshire, draper, Oct. 7, Bath. *Off. Ass. Smith; Sol. Bartram, Bath.—Pet. f. Sept. 11.*
- WILLIAMS, JOSEPH, Liverpool, victualler, Sept. 30, Liverpool. *Off. Ass. Turner; Sol. Pemberton, Liverpool.—Pet. f. Sept. 16.*
- WILLIAMS, ROBERT, Woodhouse, Somersetshire, cattle dealer, Sept. 30, Axbridge. *Off. Ass. Fry.—Adj. Sept. 11.*
- YOUNG, JOHN HOLLAND, Bath, Somersetshire, smith, Oct. 7, Bath. *Off. Ass. Smith.—Adj. Sept. 9.*

## TUESDAY, Sept. 22.

## BANKRUPTS.

*To be heard in London.*

- BEVAN, JOHN, Crown-street, Walworth, dairyman, Oct. 7. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 14.*
- COOPER, JOHN THOMAS, Woolwich, butcher, Oct. 8. *Off. Ass. Stanfield; Sol. Wheatley, Symond's-lane, Chancery-lane.—Pet. f. Sept. 15.*

[For continuation of Gazette, see p. 342.]

CONTENTS.

London Gazette.....	338
Leading Article.....	339
Preliminary Examinations before entering into Articles of Clerkship to Attorneys and Solicitors ....	342
Intermediate Examination under the 23 & 24 Vict. c. 127, s. 9 .....	342
Social Science at Edinburgh.....	342
Statutes passed during the late Session of Parliament.	

NAMES OF THE CASES REPORTED.

COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Ex parte</i> Spyer, in re Josepha.—(Bankruptcy—Trust deed for benefit of creditors, validity of—Power to pay certain creditors in full—Bankruptcy Act, 1861, sect. 197) .....	949
<i>Ex parte</i> Ludbrook, in re Levy.—(Bankruptcy—Annuling adjudication before advertisement) ...	950
Sisson and Others v. Giles.—(Devise—Direction to convert—Election by married woman—Undivided moiety).....	951

COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

The Attorney-General v. The Tewkesbury and Great Malvern Railway Company.—(Public company—Railway bridge—Deviation).....	951
Biddulph v. St. George's.—(Public board—Nuisance)	953

ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Davis v. Turvey.—(Partition—Practice—Sale—Infants—Costs) .....	954
Yettis v. Palmer.—(Married woman—Appointment of, executrix—Husband of, of unsound mind—Probate—Injunction—Receiver) .....	954
Bull v. Hutchins.—(Vendor and purchaser—Specific performance— <i>Lis pendens</i> , notice of) .....	954

ROLLS COURT—(Continued)

The Official Manager of the National Insurance and Investment Association v. Carstairs.—(Practice—Service of process out of the jurisdiction—Withdrawing affidavit—Cross-examination) .....	955
Bury v. Bedford.—(Trade-mark—Assignment—Use of, by assignor—Injunction) .....	956

VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Metters v. Brown and Another.—(Mortgagor and mortgages—Power of sale—Default in payment—Notice to sell, not void for irregularity) .....	958
Beeston v. Marriott and Others.—(Contract to construct railway—Ownership of plant and materials—Execution by solicitors for costs owing by company) .....	960

COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

Croft v. The London and North-western Railway Company.—(Railway—Compensation to landowner—Damage to buildings by vibration, &c.—Unforseen damage—Lands Clauses Consolidation Act, 1845, sects. 49, 68) .....	962
Saundrey v. Mitchell and Another.—(Administrator—Administration bond—Assignment of, to creditor of intestate—Action upon—20 & 21 Vict. c. 77, ss. 80, 81, 83) .....	968

COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

Cox v. Burbidge.—(Animal, injury from—Viciousness unknown to owner—Negligence) .....	970
Wanstead Board of Health, Apps., Hill, Resp.—(Public Health Act, 1848 (11 & 12 Vict. c. 63, s. 64)—Brickmaking) .....	972

THE JURIST.

LONDON, SEPTEMBER 26, 1863.

WE resume our notice of Mr. Austin's remarks on case law and codification. Having stated the case against judiciary law, Mr. Austin says, "Since such are the monstrous evils of judicial legislation, it would seem, that the expediency of a code (or of a complete or exclusive body of statute law) will hardly admit of a doubt. Nor would it, provided that the chaos of judiciary law, and of the statute law stuck patchwise on the judiciary, could be superseded by a good code. For when we contrast the chaos with a positive code, we must not contrast it with the best of possible or conceivable codes, but with the code which, under the given circumstances of the given community, would probably be the result of an attempt to codify [e. g. a Cranworth code or a Westbury code.] Whoever has considered the difficulty of making a good statute, will not think lightly of the difficulty of making a code." He proceeds to enlarge on the difficulty of making a statute, and remarks, that unless a statute be well made, it commonly is more uncertain than a rule of judiciary law—for the reason, that the judge is bound by the very words of the statute, but not by the language of a judicial decision. He may collect the ratio decidendi from any indicia which the case or circumstance may afford. "It is hardly necessary to add, that I limit the remark to a badly-constructed

statute; for no judicious or candid man will doubt or dispute for a moment, that a well-made statute is incomparably superior [in certainty] to a rule of judiciary law." We are surprised that so accurate a thinker should come to such a conclusion. Surely, no one who has been amused by the battles of the definitions in all sciences (not wholly excepting even geometry) can deny, that the accurate enunciation of an abstract proposition, on any subject out of the mathematics, almost transcends the power of man. Mr. Austin must have known what trouble the attempt to define "murder" gave the Criminal-law Commissioners, and we know how signally it failed. But what language fails to express in the abstract, the mind can easily and accurately recognise in the concrete; and accordingly, as every lawyer knows, the meaning conveyed by a good judicial precedent is conveyed, not with relative but, with absolute certainty and precision.

Mr. Austin therefore concludes, that the question of codification is a question of time and place; but that, speaking without reference to the circumstances of a given community, there can be no doubt that a complete code is better than a body of judiciary law, or of judiciary law supplemented by legislative patches. Taking the question in the concrete, however, a doubt may arise, whether men can be found competent to the difficult task of successful codification.

He then proceeds to answer the objections to codification in the abstract. The current objection is, the necessary incompleteness of a code. It cannot anticipate

the infinite variety of cases that may arise in practice. The objection was thus put by Lord Mansfield (when Solicitor-General) in *Omychund v. Barker* (1 Atk. 33)—“Cases of law depend upon occasions which give rise to them. . . . All occasions do not arise at once. A statute very seldom can take in all cases; therefore, the common law, that works itself pure by rules drawn from the fountain of justice, is superior to an act of Parliament.” Answer—“The objection is equally applicable to all law, and it implies, in the partisans of judiciary law who are pleased to insist upon it, a profound ignorance (or a complete forgetfulness) of the nature of the law which is established by judicial decision. Judiciary law consists of *rules*,” or it is nothing; and rules of law, whether in the one form or in the other, are equally liable to incompleteness. If law, as reduced into a code, would be incomplete, so is it incomplete as not so reduced; for codification is the re-expression of existing law. If the provisions of a given statute will not apply to any given case, the ratio decidendi of a given judicial decision will not apply to the solution of future cases.

The charge of ignorance or forgetfulness may fairly be retorted upon the lecturer. He did not know, or had forgotten, the essential difference between the mode of interpreting and applying a judicial precedent and that of interpreting and applying a statute. The ratio decidendi of a case may be narrow in its scope, but within that scope it is complete and exhaustive. A statute, or a clause in a code, cannot be applied to any case which does not come within its terms. For example: a few decisions are sufficient to establish the general principle, that (in a court of equity) relief will be given against forfeiture for non-payment of money, the reason (or the ratio legis) being, that compensation for such a default can generally be allowed with sufficient justice. But if that general rule were embodied in a code, it must be applied to all cases without exception—save so far as exceptions are expressed in the code. It must apply, therefore, to a forfeiture of the benefit of a contract to purchase a reversion, on the ground of delay in paying the purchase money. The judiciary rule does not apply to such a case, because the case involves something more than the ordinary inconvenience arising from the non-payment of purchase money. The general rule, as established by decisions, does not, indeed, directly contemplate or formalise the exception (which may not have been thought of), and therefore in codification the exception (if the case involving it had not yet arisen, and been decided) would probably be overlooked; but the judiciary rule does, by the very condition and mode of its growth and application, allow of and let in the exception when the case arises; and thus, while the judiciary law does not more often than the statute law fall into uncertainty, it much more frequently than the statute law avoids incompleteness on the one hand, and injustice on the other; and to the same degree it avoids the uncertainty which arises from the conflict of the letter of the law with the reason or grounds of it. The lecturer's mistake arose from the omission (which constitutes the cardinal defect of his treatment of the subject) to ob-

serve, that though the law established by a decision may be said to exist in it from the moment that it is pronounced, and so, on a hasty view, may appear to be immediately capable of complete expression in a statutory form, the case and the decision together in no way express, or even of themselves suggest, the extent and the limits of the rule. Yet, when the crucial case arises to which the principle of the decision, if expressed in abstract terms, would extend, but which is not within the reason of it, there is generally no difficulty in determining that the authority does not apply. Thus the judiciary law, though it may sometimes be defective in cognoscibility, seldom fails in justice. The ratio legis, which can seldom be taken into account in interpreting or applying a statute or code, is commonly and properly regarded in ascertaining and limiting the ratio decidendi; and thus each new case, as it arises, and before it is decided, sheds as much light upon the leading case as it receives from it, so that the best “*put case*” is the best commentator upon a judicial precedent. But the framer of a code is not supposed to be a *put case*. His business is to state the law as he finds it—not to anticipate the decision of untried cases. Yet how can he state in the abstract that of which he finds, perhaps, but a single sample in the concrete? How can he define the extent and limits of a rule when they have not yet been discovered by investigation in the courts? He cannot do it otherwise than most imperfectly, because no foresight and consideration can anticipate the infinite combinations of future events. He cannot do it at all, nor take the first step in framing his code, without judging—that is to say, legislating; and this, by the hypothesis (that his task is only to state existing law), he must not do. Nor can a case be properly judged until it has actually arisen, and been argued in earnest by competent counsel. The history of every head of judiciary law is, that first a case arises in which a general principle is established and applied; then cases arise which determine the limitations and exceptions. A principle caught by a codifier in the first stage of its development would be enacted in all the generality of a neat rule, without qualification or exception, and capable of none, save by very rough nursing in the courts. The difficulty was felt in compiling the Roman law, and hence the *Pandects*.

Hugo's objection, that the provisions of a code would be interminable if it pretended to provide for every possible question, and that a code, in proportion to the minuteness of its provisions, would suggest conflicting analogies for the decision of the omitted cases, appears to us to be profound and just. The lecturer proceeds to make a remark which he considers conclusive:—“Rules of judiciary law are not decided cases, but the *general grounds or principles* (or the *rationes decidendi*) whereon the cases are decided. Now, by the practical admission of those who apply those grounds or principles, they may be codified or turned into statute law. For what is the process of induction by which the principle is gathered before it is applied, but this very process of codifying such principles, performed on a particular occasion, and performed on a small scale? If it be possible to extract

from a case, or from a few cases, the ratio decidendi or general principle of decision, it is possible to extract from all decided cases their respective grounds of decision, and to turn them into a body of law, abstract in its form, and, therefore, compact and accessible. Assuming that judiciary law is really law, it clearly may be codified." We deny the inference, and defy the ablest extractor of principles to codify any single branch or subject of judiciary law in such a manner as to anticipate and provide for future cases with a title of the completeness and certainty with which they are anticipated and provided for by the uncodified precedents; and this for the reasons already given—that the precedents are not bound in the fetters of set terms, and that their full import and application are inexhaustible and unknown even to those who make them, and can only be brought out step by step as new cases arise.

The lecture concludes with these words:—"Reverting to the objection, I admit that no code can be complete or perfect. But it may be less incomplete than judge-made law, and (if well constructed) free from the great defects which I have pointed out in the latter. It may be brief, compact, systematic, and therefore knowable as far as it goes."

We have fairly stated Mr. Austin's reasons for preferring a code to a system of judiciary law corrected by statutes. They are—that judiciary law,—1, exists nowhere in terms, but must be got at by induction—a process often hastily performed in the courts, and always difficult for laymen; 2, is often made as well as applied in haste; 3, is *ex post facto*; 4, is vague and inconsistent on account of the vast bulk of the documents from which the materials for a particular decision are to be selected; 5, is uncertain, because there is no touchstone for good or bad law; 6, is too much limited by particulars; 7, makes the statute law as unsystematic and unwieldy as itself.

We have already endeavoured to refute some of these objections. The answer to the first is, that the process of induction from particulars leads to more certain results than that of applying a rule authoritatively expressed in abstract terms, and is more instructive to the lawyer, who, being compelled in learning his law to discriminate, and to observe how the Courts have discriminated, between the forms and accidents and the substance of a case, is better trained for performing the same task when he applies the law. To complain that the laws of a civilised community are not cast in such a form as to be easily studied by the laity, is idle, because the laity never would or could study them in any form. No code could state the law in a clearer or more attractive form than that into which certain branches of it have been cast in well-known treatises—treatises which are, for all practical purposes, as trustworthy as acts of Parliament; yet no one out of the profession reads any one of them.

2. That the judges both apply and make law in haste is not relatively true, as we have already insisted; and neither in the applying nor in the making of law would a code afford any remedy.

3. That the making, as distinguished from the applying, of judiciary law, is in the nature of *ex post facto* legislation, is true, but this remark also has no bearing on the question of a code; a code would be the expression of the law existing at the time of its compilation; and we do not understand that any one, whose opinion is worth notice, proposes that the decisions of judges made after the promulgation of a code should not be binding as precedents. But the capacity of judiciary law for *ex post facto* operation is, in truth, one of its greatest merits. A system of judiciary law, founded on just principles, and fairly administered, establishes a prestige in favour of honesty, and leaves the wrongdoer nothing to hope from the incompleteness of its provisions. In the majority of cases no doubt exists as to the side to which justice leans; and it is better that right should be done by establishing and applying a new rule to a new case, than that wrong should prosper through the defect of a code. But as the masses of the community can never know more of the law than some of its broadest principles and a few well-settled and familiar details, and cannot know either with scientific accuracy, there is practically no difference to them between a decision which introduces and one which merely applies a rule of law.

4. That the documents of a judiciary law must be numerous, and have a tendency to become unwieldy, every English lawyer knows too well; and if no other remedy could be found, the revolutionary one of a code would at distant intervals be inevitable. But it is no valid objection to a system of law that it cannot be mastered without considerable research and industry; and there is no reason to doubt, with regard to the English law at least, that by revising the reports, clearing them of irrelevant matter, expunging cases which have been overruled, have become obsolete, or are mere repetitions of established decisions, by arranging what remains in the form of a digest, by regulating the publication of new reports, and by providing for the periodical revision of the digest, the whole of the English judiciary law might be brought and kept within the reach of lawyers of average capacity and industry.

5. Against the possibility that any precedent may be overruled is to be set the certainty that all erroneous decisions which have not been overruled would reappear in a code as unquestionable law, producing, by their inconsistency with the general system, greater doubts and difficulties than those created by the remediable slips of the judicature.

6. We have already disposed of the remarkable assertion, that a judiciary law is more limited by particulars than a statute law.

7. The object of occasional legislation being to amend or supplement existing laws, the quantity of such legislation must depend on the substance, and not on the form, of the existing laws; and its form must necessarily be fragmentary. But the fragments may be fitted as readily to a systematic digest of decisions as to a code of statutes; and if the objection means, that statutory law and judiciary law cannot be joined into an harmonious system, the answer is, that

it can't be helped. Judiciary law is a necessity in a free state, inasmuch as codes and statutes must be interpreted and applied by judges, and the purity and consistency of their administration of the law can only be secured by making their decisions binding as precedents, and so subjecting them to the criticism of contemporary and succeeding lawyers. In short, it is not too much to say, that the law can only be a science in so far as it exists in the judiciary form, and that its scientific character would be destroyed by codification, and could only be restored by a long series of judicial commentaries on the code.

### PRELIMINARY EXAMINATIONS

*Before entering into Articles of Clerkship to Attornies and Solicitors.*

PURSUANT to the Judges' Orders, the preliminary examinations in general knowledge will take place on the following days, viz. the 27th and 28th October, 1863, and the 9th and 10th February, 1864, and will comprise—

1. Reading aloud a passage from some English author.
2. Writing from dictation.
3. English grammar.
4. Writing a short English composition.
5. *Arithmetic*.—A competent knowledge of the first four rules, simple and compound.
6. Geography of Europe and of the British Isles.
7. *History*.—Questions on English History.
8. *Latin*.—Elementary knowledge of Latin.
9. 1. Latin. 2. Greek, Modern or Ancient. 3. French. 4. German. 5. Spanish. 6. Italian.

The special examiners have selected the following books in which candidates will be examined in the subjects numbered 9, at the examinations in October, 1863, and February, 1864:—

#### OCTOBER 27 AND 28, 1863.

*In Latin*.—Cicero, De Officiis, books i and ii; and Horace, Odes, book iii.

*In Greek*.—Homer, Iliad, book i.

*In Modern Greek*.—Βεγκάριον, περί 'Αδικημάτων και Ποινών μεταφρασμένον από την 'Ιταλικήν Γλώσσαν, 17—30; or, Βεντορής 'Ιστορία της 'Αμερικῆς, βιβλίον η'.

*In French*.—Guillaume Guizot, Alfred le Grand, ou l'Angleterre sous les Anglo-Saxons; or, Jean Racine, Phèdre.

*In German*.—Schiller, Jungfrau von Orleans; or, Geschichte des 30-jährigen Krieges, 1 volume.

*In Spanish*.—Cervantes' Don Quixote, capit. xxxiv; or, Fernandez de Moratin, El Si de las Nenas.

*In Italian*.—Manzoni's Promessi Sposi, cap. xii-xxii; or, Torquato Tasso's La Gerusalemme, 6, 7, 8, and 9 cantos.

#### FEBRUARY 9 AND 10, 1864.

*In Latin*.—Sallust, Jugurtha; and Virgil, Æneid, book vi.

*In Greek*.—Xenophon, Memorabilia

*In Modern Greek*.—Βεγκάριον, περί 'Αδικημάτων και Ποινών μεταφρασμένον από την 'Ιταλικήν Γλώσσαν, 1—12; or, Βεντορής 'Ιστορία της 'Αμερικῆς, βιβλίον ζ'.

*In French*.—P. Corneille, Cinna; Fénelon, Télémaque (Les aventures de). Liv. i-vii.

*In German*.—Schiller's Don Carlos; 1st and 2nd Act. Tieck's William Lovel, books i-iv.

*In Spanish*.—Cervantes' Don Quixote, capit. i-xx; or, Dom Hartzembusch La Coja y el Encogido.

*In Italian*.—Manzoni's Promessi Sposi, cap. i-x; or, Torquato Tasso's La Gerusalemme, first four cantos.

With reference to the subjects numbered 9, each candidate will be examined in *one language only, according to his selection*. Candidates who select Latin will be examined in *both* the works above specified. In Modern Greek, French, German, Spanish, and Italian, candidates will have the choice of *either* of the above-mentioned works.

Candidates are required by the Judges' Orders to give *one calendar month's* notice to the Incorporated Law Society, as Registrar of Attornies, of the *language* in which they propose to be examined, the *place* at which they wish to be examined, and their *age* and *place of education*. All notices and inquiries should be addressed to the Secretary of the Incorporated Law Society, Chancery-lane, W.C.

E. W. WILLIAMSON, Secretary.

Law Society's Hall, Chancery-lane,  
London, August, 1863.

### INTERMEDIATE EXAMINATION

*Under 23 & 24 Vict. c. 127, s. 9.*

THE Elementary Works, in addition to Bookkeeping (Mercantile), selected for the intermediate examination of persons under articles of clerkship executed after the 1st January, 1861, for the year 1864, are—

Williams on the Principles of the Law of Real Property. 6th edition. 1862.

Chitty on Contracts, chapters 1 and 2. Any edition published in or after 1850.

The examiners deal with the subject of Mercantile Bookkeeping generally, and do not in their questions confine themselves to any particular system. Candidates are not examined in the method of Bookkeeping by Double Entry.

Candidates are required by the Judges' Orders to give to the Incorporated Law Society one calendar month's notice before the commencement of the term in which they desire to be examined. The notice should contain the name and residence of the candidate, and of the attorney to whom the applicant is articulated. Candidates are also required to leave their articles of clerkship and assignments (if any), duly stamped and registered, seven clear days before the commencement of such term, together with answers to the questions as to due service and conduct up to that time.

The examinations are held in the Hall of the Incorporated Law Society, Chancery-lane, London, in Hilary, Easter, Trinity, and Michaelmas Terms.

Law Society's Hall, Chancery-lane,  
London, July, 1863.

### SOCIAL SCIENCE AT EDINBURGH.

PREPARATIONS have been made for securing at the approaching meeting, commencing on the 7th October, the attendance of a considerable number of representatives of the English and Irish Bars, and many of the subjects to be discussed in the jurisprudent department will be of national interest. Among these questions, we find the Transfer of Land will be treated of in several important papers. Mr. R. R. Torrens, Re-

gistrar-General of Australia, contributes a paper on "The Torrens' System of Conveyancing by Registration of Titles, as in operation in Australia." Mr. Thomas Hare will lay before the department the draft of a Bill "To facilitate the Acquirement of House Property by the Working Classes in large Towns." Among other subjects are "the Marriage Laws" and "the necessity for a Minister of Justice," and the Laws of Evidence both in civil and criminal cases. This reunion of the Bars of the three kingdoms will be celebrated, we believe, by a public dinner, at which Lord Brougham will preside. The Judges of the Scotch Courts, and many other distinguished members of the Profession, will be present on the occasion.

Her Majesty has been pleased to appoint T. Mildmay Shervington, Esq., to be Attorney-General for the Island of Grenada.

The Queen has been pleased to direct letters-patent to be passed under the Great Seal, appointing the Right Hon. John David Fitzgerald, one of the Judges of the Court of Queen's Bench in Ireland; Mountfort Longfield, Esq., LL.D., one of the Judges of the Landed Estates Court in Ireland; Sir William Atherton, Knt., her Majesty's Attorney-General for England; Sir Robert Joseph Phillimore, Knt., her Majesty's Advocate-General for England; Sir Thomas Staples, Bart., her Majesty's Advocate-General for Ireland; the Right Hon. Thomas O'Hagan, her Majesty's Attorney-General for Ireland; Robert Porrett Collier, Esq., one of her Majesty's Counsel; Robert Bayly Follett, Esq.; Henry Cadogan Rothery, Esq.; and John Haslett, Esq., to be her Majesty's Commissioners to inquire into the constitution, establishment, officers, practice, procedure, and fees of the High Court of Admiralty in Ireland.

EPPE, WILLIAM JAMES, Maidstone, and Barming, near Maidstone, nurseryman, Oct. 8. Off. Ass. Stanfield; Sol. Cleobury, 63, Chesapeake-st.—Pet. f. Sept. 9.

FOWLER, GEORGE, Scott's-place, Hornsey-road, Islington, carpenter, Oct. 7. Off. Ass. Cannon; Sol. Boulton & Co., 21A, Northampton-square.—Pet. f. Sept. 11.

GRABERY, JOE, Warren-street, Fitzroy-square, out of business, Oct. 8. Off. Ass. Stanfield; Sol. Lewis, 22, Great Marlborough-street.—Pet. f. Sept. 19.

HALLS, CHARLES, Surrey-villa, Nunhead-green, brewer, Oct. 8. Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 16.

MAYER, MAURICE, New North-road, hat manufacturer, Oct. 7. Off. Ass. Graham; Sol. Solomon, 22, Finsbury-place.—Pet. f. Sept. 17.

NEVILL, BENJAMIN ROBERT, Lambours, Essex, straw cutter, Oct. 8. Off. Ass. Stanfield; Sol. Beard, 10, Basinghall-street.—Pet. f. Sept. 19.

PEARCE, JAMES FRODSHAM, Baltic House, Vauxhall-walk, assistant to a butcher, Oct. 7. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 12.

POPE, MATILDA, Upper-terrace, Upper-street, Islington, teacher of music, Oct. 7. Off. Ass. Graham; Sol. Franco, 37, New Bridge-street, Blackfriars.—Pet. f. Sept. 19.

RICHARD, ARTHUR, Botolph-lane, City, commission agent, Oct. 8. Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 18.

SCOTSON, FREDERICK, Richmond, Surrey, commission agent, Oct. 7. Off. Ass. Graham; Sol. Langford & Co., 59, Friday-street.—Pet. f. Sept. 18.

STREL, THOMAS, Appleford, Berkshire, out of business, Oct. 8. Off. Ass. Stanfield; Sol. Bartlett, Abingdon; Ford & Co., 4, Bloomsbury-square.—Pet. f. Sept. 19.

TURNER, EDWARD, Sussex-road, Cold Harbour-lane, Brixton, greengrocer, Oct. 8. Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 16.

WHITE, ALFRED JOHN BENTON, Barking, Essex, out of business, Oct. 8. Off. Ass. Stanfield; Sol. Wood & Co., 4, Coleman-street-buildings, Moorgate-street.—Pet. f. Sept. 17.

WHITHEAD, HENRY, Whitehead's-grove, Chelsea, and Wimbledon, solicitor, Oct. 8. Off. Ass. Stanfield; Sol. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Sept. 19.

WHITTINGTON, JAMES, Ryde, Isle of Wight, baker, Oct. 7. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Sept. 12.

WILLIAMS, JOHN MATTHEW KELLAWAY, Lamb-street, Southwark, publisher, Oct. 7. Off. Ass. Graham; Sol. Moxon, 53, Lincoln's-inn-fields.—Pet. f. Sept. 16.

WOODS, EDWARD YOUNG, Upper Norwood, beer retailer, Oct. 8. Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 16.

### To be heard in the Country.

BARRON, JOSEPH, Grasby, Lincolnshire, labourer, Oct. 5, Calisto. Off. Ass. Haddesley; Sol. Brown & Co., Lincoln.—Pet. f. Sept. 16.

BASTON, RICHARD JOSEPH, Bristol, tailor, Oct. 9, Bristol. Off. Ass. Harley; Sol. Aliman, Bristol.—Pet. f. Sept. 16.

BICKLEY, WILLIAM, Bloxwich, Staffordshire, timber merchant, Oct. 9, Birmingham. Off. Ass. Klinear; Sol. Glover, Walsall.—Pet. f. Sept. 18.

BROWN, MICHAEL, Blackburn, Lancashire, out of business, Oct. 9, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Sept. 8.

BURN, JAMES, Manchester, travelling draper, Oct. 5, Manchester. Off. Ass. Hernaman; Sol. Cobbett & Co., Manchester.—Pet. f. Sept. 15.

CLEGG, JAMES, Manchester, ironmonger, Oct. 8, Manchester. Off. Ass. Pott; Sol. Gill & Co., Manchester.—Pet. f. Sept. 17.

COLLING, JOHN, Filey, Yorkshire, livery stable keeper, Oct. 8, Leeds. Off. Ass. Young; Sol. Clarke, Leeds.—Pet. f. Sept. 19.

EDWARDS, GRIFFITH, Swansea, Glamorganshire, brewer, Oct. 6, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Sept. 18.

FIELDHOUSE, JOHN, Kemberton, Shropshire, miller, Oct. 5, Birmingham. Off. Ass. Whitmore; Sol. Wright, Birmingham; Taylor, Wellington, Shropshire.—Pet. f. Sept. 18.

FLETCHER, WILLIAM, Churchstoke, Montgomeryshire, innkeeper, Oct. 16, Bishop's Castic. Off. Ass. Fardoe; Sol. Jones, Wexham.—Pet. f. Sept. 16.

GRAY, ARCHIBALD, Brockenhurst, Hampshire, coal dealer, Oct. 5, Lymington. Off. Ass. Sharp; Sol. Mackey, Southampton.—Pet. f. Sept. 16.

GREENSMITH, RICHARD, Nottingham, butcher, Oct. 7, Nottingham. Off. Ass. Patchitt; Sol. Heath, Nottingham.—Pet. f. Sept. 18.

HARRIS, HENRY, Brencshley, Kent, plumber, Oct. 5, Tonbridge Wells. Off. Ass. Alleyne.—Adj. Sept. 16.

HARWOOD, CHARLES, Kingston-upon-Hull, Oct. 1, Kingston-upon-Hull. Off. Ass. Phillips; Sol. Spurr, Kingston-upon-Hull.—Pet. f. Sept. 11.

HASKYNE, WILLIAM, Liverpool, commission agent, Oct. 9, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Sept. 8.

HASTE, JOHN, Bradford, Yorkshire, warehouseman, Oct. 8, Bradford. Off. Ass. Robinson; Sol. Hill, Bradford.—Pet. f. Sept. 18.

HEATH, THOMAS, Sheffield, chessefactor, Oct. 10, Sheffield. Off. Ass. Young.—Adj. Sept. 11.

HOB, THOMAS JOHN, Bishopwearmouth, Durham, haberdasher, Oct. 9, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. M'Kee, Sunderland.—Pet. f. Sept. 19.

HOLLAND, JOHN RICHARD, Liverpool, merchant, Oct. 8, Liverpool. Off. Ass. Morgan; Sol. Husband, Liverpool.—Pet. f. Sept. 17.

JACKLIN, TIMOTHY JOHN, Metheringham, Lincolnshire, chemist, Oct. 3, Lincoln. Off. Ass. Uppleby; Sol. Brown & Co., Lincoln.—Pet. f. Sept. 18.

JACKSON, JOHN, Norton, near Malton, Yorkshire, builder, Oct. 8, Leeds. Off. Ass. Young.—Adj. Sept. 11.

KIRKHAM, JOHN, Atherton, near Manchester, labourer, Oct. 9, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Sept. 8.

LEE, ROGER, Billingham, Lincolnshire, tailor, Oct. 3, Bourne. Off. Ass. Bell; Sol. Law, Stamford.—Pet. f. Sept. 18.

MARRATT, WILLIAM, Doncaster, Yorkshire, solicitor, Oct. 10, Sheffield. Off. Ass. Young.—Adj. Sept. 11.

MORRALL, JAMES, and WENTWORTH, THOMAS JAMES, Manchester, needle manufacturers, Oct. 12, Manchester. Off. Ass. Hernaman; Sol. Gardner, Manchester.—Pet. f. Sept. 18.

NEAL, JOHN, Horamenden, Kent, fruit dealer, Oct. 5, Tonbridge Wells. Off. Ass. Alleyne.—Adj. Sept. 16.

ODDEN, JAMES, Openshaw, Lancashire, miner, Oct. 5, Manchester. Off. Ass. Kay; Sol. Foulkes, Manchester.—Pet. f. Sept. 17.

PRIFFS, GEORGE, Audley, Staffordshire, beer-house keeper, Oct. 3, Newcastle-under-Lyme. Off. Ass. Slaney; Sol. Stubbs, Newchapel.—Pet. f. Sept. 16.

ROBERTS, ELIZABETH, Dolgelly, Merionethshire, milliner, Sept. 30, Dolgelly. Off. Ass. Walker; Sol. Jones, Dolgelly.—Pet. f. Sept. 16.

ROBERTS, WILLIAM, Carnarvon, licensed victualler, Oct. 3, Carnarvon. Off. Ass. Williams; Sol. Powell, Carnarvon.—Pet. f. Sept. 19.

SALLOW, JAMES, Wrentham, Suffolk, thatcher, Oct. 16, Halesworth. Off. Ass. Bass; Sol. Read, Halesworth.—Pet. f. Sept. 17.

SEAMER, DAVID, Ipswich, Suffolk, cabdriver, Oct. 5, Ipswich. Off. Ass. Protzman; Sol. Galsworthy, Ipswich.—Pet. f. Sept. 18.

WALL, THOMAS, Cannock, Staffordshire, brickmaker, Oct. 1, Walsall. Off. Ass. Clarke; Sol. Ebsworth, Wednesbury.—Adj. Sept. 14.

WEBSTER, WILLIAM, Leeds, pattern-card maker, Oct. 14, Leeds. Off. Ass. Sangster; Sol. Upton & Co., Leeds.—Pet. f. Sept. 14.

WHITE, THOMAS, Lutterworth, Leicestershire, butcher, Oct. 5, Birmingham. Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. f. Sept. 17.

WOODING, JOHN, Northampton, beer-seller, Oct. 5, Northampton. Off. Ass. Dennis; Sol. Shield & Co., Northampton.—Pet. f. Sept. 15.

YEWELL, JOSEPH, Horsforth, Yorkshire, woollen manufacturer, Oct. 8, Leeds. Off. Ass. Young.—Adj. Sept. 11.

### BANKRUPTCY ANNULLED.

GLENNES, JOHN, Carmarthen, grocer.

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M M

## GAZETTES.—FRIDAY, Sept. 25.

## BANKRUPTS.

*To be heard in London.*

BAKER, BENJAMIN, Totteridge-green, Hertfordshire, of no business, Oct. 8. *Off. Ass. Stansfeld*; Sols. Lawrence & Co., 12, Broad-street, Cheshire; Harris, Barnet.—*Pet. f. Sept. 22.*

BATEMAN, EDWIN, Canterbury, Kent, auctioneer, Oct. 9. *Off. Ass. Graham*; Sol. Doyle, Gray's-Inn; De Lesaux, Canterbury.—*Pet. f. Sept. 21.*

BATES, JAMES, Brighton, seedsman, Oct. 7. *Off. Ass. Graham*; Sol. Shiers, 5, New-Inn, Strand.—*Pet. f. Sept. 22.*

BRACHER, EDWARD, Addison-terrace, Notting-hill, out of business, Oct. 7. *Off. Ass. Graham*; Sol. Haynes, 12, Southampton-buildings, Chancery-lane.—*Pet. f. Sept. 21.*

BURNE, GRAHAM LOUISA, Shaftesbury-terrace, Pimlico, in no business, Oct. 9. *Off. Ass. Graham*; Sols. Lewis & Co., 10, Ely-place.—*Pet. f. Sept. 25.*

CORNER, JACOB, Jermyn-street, Saint James's, out of business, Oct. 8. *Off. Ass. Stansfeld*; Sol. Munday, 6, Essex-street, Strand.—*Pet. f. Sept. 21.*

CAREW, JOSEPH, Dorset-place, Dorset-square, out of business, Oct. 8. *Off. Ass. Stansfeld*; Sol. Bramwell, 1, Scott's-yard, Bush-lane.—*Pet. f. Sept. 21.*

CLARKE, JOE BENNETT, Plumstead, Kent, commander, royal navy, Oct. 7. *Off. Ass. Stansfeld*; Sol. Aldridge, 46, Moorgate-street.—*Adj. Sept. 16.*

CROW, ROBERT, Chiswick, Middlesex, carpenter, Oct. 8. *Off. Ass. Stansfeld*; Sol. Pearce, 8, Giltspur-street.—*Pet. f. Sept. 23.*

FEISTHAMEL, JULIEN, Frith-street, Soho, corn merchant, Oct. 9. *Off. Ass. Graham*; Sol. Aldridge, 46, Moorgate-street.—*Adj. Sept. 21.*

FINGLASS, CHARLES, Euston-road, out of business, Oct. 9. *Off. Ass. Graham*; Sol. Walker, 33, Clement's-lane.—*Pet. f. Sept. 21.*

FREEMAN, JOHN, King's Cliffe, Northamptonshire, grocer, Oct. 7. *Off. Ass. Graham*; Sols. Wright & Co., 15, London-street, Fenchurch-street.—*Pet. f. Sept. 22.*

GRIFFITH, THOMAS, Newton Cottage, Glamorganshire, and Leadenhall-street, City, gentleman, Oct. 9. *Off. Ass. Stansfeld*; Sol. Mayhew, 26, Carey-street, Lincoln's-Inn.—*Pet. f. Sept. 21.*

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LUCY, WILLIAM CHARLES, Lucas-road, Kennington-park, oilman, Oct. 8. *Off. Ass. Stansfeld*; Sol. Kersey, Adelaide-chambers, 52, Gracechurch-street.—*Pet. f. Sept. 22.*

MADLE, EDWARD; MADLE, EDWARD HENRY; and MADLE, WILLIAM JOHN, Frith-street, Soho-square, bow and arrow manufacturers, Oct. 8. *Off. Ass. Stansfeld*; Sols. Lewis & Co., 10, Ely-place, Holborn.—*Pet. f. Sept. 21.*

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STARKEY, JAMES, New North-road, Hoxton, carpenter, Oct. 9. *Off. Ass. Graham*; Sol. Brooks, 11, Brudenell-place, New North-road.—*Pet. f. Sept. 23.*

TURNER, JOHN, Cloth-fair, packing-case maker, Oct. 7. *Off. Ass. Canan*; Sol. Hope, 9, Ely-place.—*Pet. f. Sept. 12.*

WHEELER, CECILIA, Princes-square, Baywater, boarding-house keeper, Oct. 7. *Off. Ass. Graham*; Sol. Aldridge, 46, Moorgate-street.—*Pet. f. Sept. 21.*

*To be heard in the Country.*

ADAMS, JOSEPH, Leeds, publican, Oct. 14, Leeds. *Off. Ass. Sangster.*—*Adj. Sept. 11.*

BAILEY, ROBERT, Dawley, Shropshire, pit manager, Oct. 10, Madeley. *Off. Ass. Potts*; Sol. Taylor, Wellington.—*Pet. f. Sept. 21.*

BIRD, THOMAS, Willenhall, Staffordshire, locksmith, Oct. 16, Birmingham. *Off. Ass. Whitmore*; Sol. Walker, Wolverhampton.—*Pet. f. Sept. 23.*

BLACK, JOSEPH, Loughborough, Leicestershire, victualler, Oct. 12, Loughborough. *Off. Ass. Beack*; Sol. Giles, Loughborough.—*Pet. f. Sept. 21.*

BRANTON, THOMAS, Preston, near Hull, Yorkshire, pig jobber, Oct. 2, Hull. *Off. Ass. Phillips*.—*Adj. Sept. 11.*

BROWN, GEORGE, Scarborough, Yorkshire, jet worker, Oct. 9, Scarborough. *Off. Ass. Woodall*; Sol. Cornwall, Scarborough.—*Pet. f. Sept. 19.*

COLES, JOHN, Walsall, Staffordshire, joiner, Oct. 7, Walsall. *Off. Ass. Clarke*; Sol. Edwards, Walsall.

CURTIS, JOHN BAILEY, Wellingborough, Northamptonshire, shoe manufacturer, Oct. 7, Wellingborough. *Off. Ass. Burham*; Sol. White, Northampton.—*Pet. f. Sept. 18.*

DAVIS, THOMAS, Birmingham, licensed victualler, Oct. 26, Birmingham. *Off. Ass. Guest*; Sol. East, Birmingham.—*Pet. f. Sept. 24.*

DODDS, HENRY, Elsdon, Northumberland, grocer, Oct. 15, Rothbury. *Off. Ass. Wilkinson*; Sol. Wilkinson, Alnwick.—*Pet. f. Sept. 19.*

FISHER, GEORGE, Leeds, butcher, Oct. 14, Leeds. *Off. Ass. Sangster*; Sol. Harle, Leeds.—*Pet. f. Sept. 22.*

GRIFFITH, WILLIAM, Llanllechid, Carnarvonshire, quarryman, Oct. 9, Bangor. *Off. Ass. Jones*; Sol. Williams, Carnarvon.—*Pet. f. Sept. 24.*

HANDLEY, WILLIAM, Great Malvern, Worcestershire, builder, Oct. 15, Upton-upon-Severn. *Off. Ass. Gough*; Sol. Wilson, Worcester.—*Adj. Aug. 13.*

HARDING, SAMUEL, Macclesstone, Staffordshire, cordwainer, Oct. 7, Market Drayton. *Off. Ass. Warren*; Sol. Winstanley, Newcastle-under-Lyme.—*Pet. f. Sept. 18.*

HATWARD, HENRY RICHARD, Leeds, out of business, Oct. 14, Leeds. *Off. Ass. Sangster*; Sol. Harle, Leeds.—*Pet. f. Sept. 21.*

HEDLEY, JAMES, Middlesbrough, Yorkshire, out of business, Oct. 5, Stockton-on-Tees. *Off. Ass. Crosby*; Sol. Dobson, Middlesbrough.—*Pet. f. Sept. 21.*

HICKMAN, JAMES, Trammers, Cheshire, builder, Oct. 9, Liverpool. *Off. Ass. Morgan*; Sols. Brertherton & Co., Liverpool.—*Pet. f. Sept. 23.*

HODDER, HENRY RAYNER, Sheffield, surgeon's assistant, Oct. 14, Sheffield. *Off. Ass. Wake*; Sol. Turner, Sheffield.—*Pet. f. Sept. 23.*

HOB, THOMAS JOHN, Bishopwearmouth, Durham, haberdasher, Oct. 6 (and not Oct. 5, as previously advertised), Newcastle-upon-Tyne. *Off. Ass. Baker*; Sol. M' Rae, Sunderland.—*Pet. f. Sept. 19.*

HUGHES, HENRY, Anstey, Leicester, bootmaker, Oct. 10, Leicester. *Off. Ass. Ingram*; Sol. Chamberlain, Leicester.—*Pet. f. Sept. 23.*

HUNTON, GEORGE, Stockton-upon-Tees, Durham, ale merchant, Oct. 5, Stockton-on-Tees. *Off. Ass. Crosby*; Sol. Brignal, Durham.—*Adj. Sept. 4.*

JACKSON, JOSEPH, Leeds, butcher, Oct. 14, York. *Off. Ass. Sangster*; Sol. Simpson, Leeds.—*Pet. f. Sept. 10.*

LATHEUR, JOHN AVERLEY, Manchester, linen merchant, Oct. 5, Manchester. *Off. Ass. Pott*; Sol. Garside, Manchester.—*Pet. f. Sept. 22.*

LESTER, JOHN, Sheephead, Leicestershire, bag hoister, Oct. 12, Loughborough. *Off. Ass. Brock*; Sol. Cape, Leicester.—*Adj. Aug. 19.*

LINLEY, EDWIN, Leeds, general dealer, Oct. 14, Leeds. *Off. Ass. Sangster*; Sol. Simpson, Leeds.—*Pet. f. Sept. 10.*

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LUNN, WILLIAM, Walsall, Staffordshire, innkeeper, Oct. 7, Walsall. *Off. Ass. Clarke*; Sol. Sheldon, Wednesbury.

M'ALISTER, WILLIAM, Rushmore, Lancashire, book-keeper, Oct. 16, Manchester. *Off. Ass. Hernaman*; Sol. Gardner, Manchester.—*Pet. f. Sept. 23.*

MALTY, WILLIAM, Ripley, Derbyshire, joiner, Oct. 7, Nottingham. *Off. Ass. Harris*; Sol. Lees, Nottingham.—*Pet. f. Sept. 22.*

MORRIS, OWEN, Aberffraw, Anglesey, draper, Oct. 7, Llangefni and Holyhead. *Off. Ass. Dew*; Sol. Owen, Llangefni.—*Pet. f. Sept. 23.*

MUMBY, JAMES, Lincoln, wheelwright, Oct. 7, Lincoln. *Off. Ass. Uppley*; Sols. Brown & Co., Lincoln.—*Pet. f. Sept. 21.*

NAPPIER, JOSEPH CHARLES, Manchester, calico printer, Oct. 5, Manchester. *Off. Ass. Hernaman*; Sols. Sale & Co., Manchester.—*Pet. f. Sept. 21.*

PACKWOOD, LUKE LOCK, Hereford, grocer, Oct. 17, Hereford. *Off. Ass. Reynolds*; Sol. Averil, Hereford.—*Pet. f. Sept. 21.*

PARKIN, JONATHAN, Leicester, currier, Oct. 10, Leicester. *Off. Ass. Ingram*; Sol. Chamberlain, Leicester.—*Pet. f. Sept. 21.*

PERRINS, EDWARD, Manchester, hoister, Oct. 15, Manchester. *Off. Ass. Pott*; Sols. Atkinson & Co., Manchester.—*Pet. f. Sept. 15.*

PLASTOW, WILLIAM, Great Coggeshall, Essex, market gardener, Oct. 5, Braintree. *Off. Ass. Cunningham*; Sol. Duffield, Chalmers.—*Pet. f. Sept. 21.*

POTTS, ELIZABETH, Levenshulme, near Manchester, out of business, Oct. 19, Manchester. *Off. Ass. Kay*; Sol. Foster, Manchester.—*Pet. f. Sept. 21.*

RENS, WILLIAM, Newton Abbot, Devonshire, innkeeper, Oct. 6, Newton Abbot. *Off. Ass. Fildes*; Sol. Carter, Torquay.—*Pet. f. Sept. 22.*

ROBERTS, RALPH, South Shields, Durham, cartman, Oct. 16, South Shields. *Off. Ass. Wawn*; Sol. Wawn, South Shields.—*Pet. f. Sept. 17.*

ROBERTS, WILLIAM, Llanover Upper, Merionethshire, publican, Oct. 23, Abergavenny. *Off. Ass. Batt*; Sol. Bythway, Pontypool.—*Pet. f. Sept. 23.*

SARGANT, ROBERT, Liverpool, manager of a spirit vault, Oct. 8, Liverpool. *Off. Ass. Turner*; Sol. Bremner, Liverpool.—*Pet. f. Sept. 21.*

SHOTTON, JOSEPH, Burton-on-Trent, Staffordshire, grocer, Oct. 19, Burton. *Off. Ass. Hubbard*; Sol. Goodger, Burton.—*Pet. f. Sept. 21.*

SHUTTLEWORTH, THOMAS WARD, Little Bolton, Lancashire, butcher, Oct. 7, Bolton. *Off. Ass. Holden*; Sols. Richardson & Co., Bolton.—*Pet. f. Sept. 23.*

SIMONS, GEORGE, Leicester, boot manufacturer, Oct. 10, Leicester. *Off. Ass. Ingram*; Sol. Chamberlain, Leicester.—*Pet. f. Sept. 23.*

SMITH, HENRY, Liverpool, butcher, Oct. 8, Liverpool. *Off. Ass. Turner*; Sol. Henry, Liverpool.—*Pet. f. Sept. 22.*

SMITH, JAMES, Leigh, Lancashire, greengrocer, Oct. 7, Leigh. *Off. Ass. Holden*; Sols. Richardson & Co., Bolton.—*Pet. f. Sept. 23.*

[For continuation of Gazette, see p. 351.]

## CONTENTS.

London Gazettes.....	346
Leading Article .....	347
The Reporting Nuisance .....	349
Statutes passed during the late Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

John Bullen and Andrew Richey, Apprs., Thomas Turner A'Beckett, Theyre Weigall, Charles Malpas, Job Mills, and Thomas Mills, Resp.—( <i>New South Wales—Real estate—Liability to pay debts Assets—Execution—Statute—Construction</i> )....	973
--	-----

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Nickisson v. Cockill.—( <i>Will, construction of—Charge—Charitable legacy—Marshalling—Discretionary power of sale in trustees</i> ).....	975
--	-----

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Young v. Neill.—( <i>Shipping—Chartering of vessels—Agreement to consign cargoes—Breach of contract—Lien</i> ).....	976
Dally v. Wonham.—( <i>Vendor and purchaser—Sale at undervalue—Mistake as to title</i> ).....	980

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Cox v. Wright.—( <i>Practice—Next friend</i> ) .....	981
--	-----

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Lodge v. Pritchard.—( <i>Partnership assets—Bankrupt and solvent partners—Joint and separate creditors—Priority—Costs</i> ).....	982
King v. Chaplin.—( <i>Grants of annuities—Agreements for repurchase, construction of</i> ) .....	984

## COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

Buckley v. Gross and Another.—( <i>Conversion—Possession of goods—Title—Felony—Metropolitan Police Act, 2 &amp; 3 Vict. c. 71, ss. 29, 30</i> ) .....	986
Marshall & The Ulleswater Steam Navigation Company.—( <i>Fishery—Grant of—What passes thereby—Livery of seisin—Soil of fishery</i> ) .....	988

## COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

Tobin v. Harford.—( <i>Marine insurance—Time policy—Valued policy</i> ).....	992
Ilderton v. Castrique.—( <i>Bankruptcy Act, 1861—Composition deed—Sect. 192—Construction</i> )....	993

## THE JURIST.

LONDON, OCTOBER 3, 1863.

THE civil war that has so long raged in the American States has been productive of at least one good—it has contributed largely to the understanding and improvement of international law; several most important questions of which have arisen out of it, and others well nigh forgotten by the learned, and wholly beyond the reach of the general community, have been brought forward into light and prominence. The anomalous character of the belligerent parties, the peculiar position of the American States relative to European powers, the part taken in times past by those States when any of those powers were at war with each other, have all contributed to this result. To these causes must be added the revolution which is being gradually effected in the system of naval warfare throughout the world—a revolution caused chiefly by the introduction of steam power into that species of warfare, the construction of ships of iron instead of wood, of ships working guns in cupolas or towers instead of in broadsides, and of vessels armed with beaks to run down their adversaries; reviving, though in a form infinitely more powerful, the weapon used in sea-fights of classical times, especially in the Syracusan war with the Athenians. There is probably not an educated person in the United Kingdom whose acquaintance with international law is not much greater than it was three years ago; although, for many causes, chiefly the absence of good elementary works on the subject, and the spirit of nationality, or political partisanship, in which discussions respecting it are usually carried on, much in this direction still remains to be done.

Most of the questions to which we have alluded arise in this way. The British Government having declared their resolution of maintaining a state of neu-

trality in the conflict—a resolution which we believe to be alike just and politic, and in which the leaders of both the great political parties among us are agreed—are continually harassed by solicitations, direct and indirect, from each of the contending parties, to do or permit acts in violation of that neutrality; and the question constantly presents itself, what is a violation of the state of neutrality of an independent country between two other countries who are at war with each other? We say contending countries for want of a better expression; for although Great Britain and other Powers of Europe have recognised the Southern Confederacy as belligerents, this is not a recognition of their independence, nor does it prejudice in any way the question whether that Confederacy are to be looked on in the light they themselves allege, as a people contending for liberty, or, as alleged by their adversaries, as rebels who should be put down by the sword.

Such being the present state of things, our attention, and doubtless that of most others, has been attracted by a speech recently delivered by Earl Russell, the Secretary of State for Foreign Affairs, to his tenants at Blairgowrie, in Perthshire, when his Lordship largely discussed several questions of foreign policy, into which we, of course, have no design to follow him. But when speaking of the civil war in America, and the duty of the Government of this country with respect to it, Earl Russell laid down the following general principles of international law, which we cannot help thinking sound in the main:—

“We know that the Foreign Enlistment Act, and the whole law respecting the subject, is one of difficult application. The principle is clear enough. If you are asked to sell muskets, you may sell them to one party or the other. Guns, powder, cannons in the same way. If you are asked to sell a ship, you may sell it in the same manner; but if you train and drill a regiment with arms in their hands, and allow that regiment to go out with arms in their hands, and to

take part with one of the two belligerents, you violate the neutrality, and commit an offence against the other belligerent. So with regard to ships. If you allow a ship to be armed, and to go out at once and make an attack on a foreign belligerent, you are thus, according to your own law, taking part in the war, and that is an offence which is punished by the law; but these questions will lead, as you will see, to most difficult problems—as, for instance, a thousand persons here may go out as labourers to the Federal States in one ship, there may be a thousand muskets go out in another ship, and when they arrive, those thousand labourers, having had an understanding before, now make a formal engagement with these States, and are armed with these thousand muskets; but if that had been done in the territory of this country it would have been an offence. There are other matters with regard to ships that have lately been prepared within this country, because these ships are not like ships that receive the usual equipment; they are not like vessels you sent in former times of war, but are in themselves, without any further armament, formed for acts of offence and war; they are steam rams, which might be used for purposes of war without ever touching the shore of a Confederate port. Well, gentlemen, to permit ships of this kind knowingly to depart from this country, not to enter into a Confederate port, not to enter the ports of a belligerent, would, as you see, expose our good faith to great suspicion; and I feel certain, that if during our war with France, the Americans had sent out line-of-battle ships to break our blockade at Brest, whatever reasons they might have urged in support, we would have considered it a violation of neutrality."

With respect to this last proposition there cannot be the slightest doubt. The right of a belligerent party to blockade the coast of his adversary, provided the blockade is a bona fide one, and not a mere blockade on paper, is a position so obvious that no person ever disputed it, except, perhaps, the United States of America when England and France were at war, at which period those States put forward claims on behalf of neutral nations which were inconsistent with international law, and rendered themselves and their commerce a general nuisance. Now, not the least advantage from the existing war will be, that the question of the right of blockade will probably be set at rest for ever, seeing that the American Government has itself instituted and upheld a blockade equalling in severity any ever known before. Their right to do so cannot be questioned, but then it is to be expected that for the future they will cheerfully accord the same right to others.

Independent of considerations based on the Foreign Enlistment Act, and looking solely to the general principles of international law, it is admitted on all hands, that if a neutral power aids one of the belligerents in a war, by committing an act of hostility towards the other, it is an infraction of neutrality, and a legitimate *casus belli* to the power against whom the hostile act is done. But then comes the question, what is an act of hostility?—a question, the general answer to which is obvious enough, al-

though in particular cases it may be one of great difficulty, depending on the special circumstances of the case, and on what is too frequently overlooked, the psychological question of the intention or animus with which acts are done. An act perfectly innocent, if viewed simpliter, may, under peculiar circumstances, become an act of hostility. E. g. viewed in itself, no act can be more simple or pacific than a miller turning the water into his mill; yet, at the battle of Hanzau, in 1813, a miller rendered a most essential service to some troops of the allies, who were pursued by the French cavalry, by simply turning the water into his mill, and thus arresting the latter in their pursuit. To purchase contraband of war in a neutral State is, in the abstract, an act allowable by international law, and, upon the whole, it would be unjust to hold otherwise, although it is extending the rights of the neutral to their utmost limit. But see what this may become in the concrete. Suppose a war between nations A. and B. A, for her own convenience, procures her materials of war from nation C.; and B, for her convenience, procures hers from nation D. If D. were to issue a proclamation for encouraging the manufacture of contraband of war with the avowed object of aiding B. in the contest, would not this give A. a *casus belli* against D.? We are strongly inclined to think it would. So in the case put by Earl Russell—suppose 1000 persons professing to be labourers went out to one of the belligerents in one ship, and 1000 muskets were sent out in another, each of these acts (and the chain might be much longer) is lawful when viewed in itself; but suppose that they were done with the intention of organising an armament to act against the other belligerent, and were done to the knowledge of the authorities of the country from which the men and arms came, this would be a *casus belli*. And we take it as a principle, that in determining the character of an act, there is no difference between doing a thing directly and doing it indirectly—the doing it ourselves, and encouraging or knowingly permitting it to be done by others over whom we have a control.

When disputes arise between individuals, and an appeal to the law is made in consequence, if there is any dispute between the parties relative to the facts of the case, the tribunal before which the question is brought has the means of authoritatively deciding them. But, in a dispute between nations, there are no such means—each party must determine the facts for himself as he best may, and if the parties should disagree upon them, and refuse to submit the question to the arbitration of a third, there is no remedy, and the matter in dispute must be determined by the sword. And difficult as the decision of facts frequently is, that difficulty is increased one hundred fold when the fact in dispute is merely of a psychological nature. Our readers will remember the case of The Cagliari steamer, which some years ago nearly occasioned a war between the Neapolitan and Sardinian nations. These countries were at peace, and The Cagliari, a Sardinian steamer, plied between them. On one occasion she deviated from her course and landed a body of armed men on the Neapolitan

shore, who immediately proceeded to acts of violence against the Neapolitan Government. The Sardinian Government, on being remonstrated with, said they were innocent in the matter—that a number of brigands had secreted themselves in The Cagliari before she left port, and, while she was at sea, overpowered the master and crew, took possession of the vessel, landed on the Neapolitan territory, where they committed the outrages complained of, and then allowed her to proceed peaceably on her voyage. The Neapolitan Government replied, by denying the fact that this illegal freight of The Cagliari was on board her without the knowledge of the Sardinian Government. This reduced the question, not to a dispute of fact, but to one of animus or intention.

### THE REPORTING NUISANCE.

MR. W. T. S. DANIEL, Q. C., who some time ago circulated among the Bar suggestions for the reform of the reports, has taken advantage of the discussion which ensued, and has now matured his plan, and enlarged his remarks, and has presented both in the form of a letter to Sir Roundell Palmer, "on the present system of law reporting, its evils, and a remedy suggested." Mr. Daniel states very clearly and forcibly the nature and the causes of the evils of the existing system, and contrasts the results with those which ought to be aimed at—namely, authenticity, singleness, unity, accuracy, speedy publication, and reasonable cost. He then reviews the various suggestions that have been made for improvement, and concludes with his own.

After observing that law reporting, being in our system of jurisprudence an essential part of the promulgation of the law, is a function of the State, he thus disposes of the objections of those who insist, that reporting, like other occupations, should be open to competition:—"A very slight consideration will also serve to shew, that the term 'monopoly,' as well as the thing it represents, is as misapplied to any proper system of law reporting as free trade. Viewed in its true light, law reporting is a function of the State, and the public are concerned in its proper discharge; and if, for this purpose, it be expedient that persons be appointed exclusively for the office, and their employment be odiously termed a monopoly—as well might the term be applied in an odious sense to the appointment of the registrars, nay, to the judicial office itself! The objection is a mere *ad captandum* argument, urged by interest as an appeal to prejudice." (p. 51).

Mr. Daniel's observations, introductory to the statement of his proposed remedy, led us to expect that he was about to recommend an establishment by the State, or at least by the judges, who are in authority as part of the State:—"The remedy, to be effectual, must go to the root of the evil. Now, the evils of the present system appear to me to have sprung from the neglect of the State to provide properly for the discharge of a public duty; and thus it has happened, that private enterprise having stepped in to supply those public requirements which the State had neglected, the result has been, what all experience would lead us to expect, that private interests have become so predominant, that the public requirements are no longer duly cared for. The remedy should, therefore,

be applied directly to the object of making the public interest paramount, and the private interest subordinate and subservient." (p. 52).

The proposal, however, is, that the preparation and publication of reports should be undertaken "by the bar as an institution of the State;" and this is supported by reasoning which is at least ingenious and plausible. It is the unrestrained exercise of the privilege which a barrister enjoys, of authentically reporting decisions which has been the cause of the evil; and the question is, how that privilege is to be restrained:—"This renders it necessary to inquire into the nature of the privilege. Is it the privilege of the individual, which he has a right to exercise according to his own will and pleasure; or is it a privilege which he enjoys as a member of the institution to which he belongs? If the former, then he can only be restrained in its exercise by the interference of the Legislature. If the latter, then the restraint may be effected by a regulation of the institution to membership with which the privilege is attached. A little consideration will, I think, shew that the latter is the true nature of the privilege. Akin to the privilege of pre-audience and liberty of speech in courts of justice, a barrister, as *amicus curiæ*, has the privilege of informing the Court from his own knowledge and experience of any case in point; this he may do in person when present. What is reporting but doing the same thing in substance when absent." (p. 53). It follows, that the majority who are injured by the inconsiderate use of this privilege are justified in restraining it if they can.

"The steps to be taken for this purpose I suggest should be as follows:—

"First, that a meeting of the Bar be called by the Attorney-General, as the head of the profession, for the purpose of passing resolutions condemnatory of the present system,—insisting upon the expediency for a change, and approving the principle of the change proposed. As a precedent for a meeting to be held under such auspices for an object of general interest and importance to the profession, it may be sufficient to refer to a meeting which was held some few years back in Lincoln's-inn-hall, at the instance of the Parliamentary Bar, to settle a disputed point of general professional interest. The only question in this case would be, whether the present system of reporting could be considered a subject of sufficient importance to the interests of the Bar to justify the resort to a proceeding of such gravity. I shall greatly have mistaken the views and feelings of my professional brethren, and the interest they take in the matter, if I felt any doubt upon this point.

"To make such a meeting effective for the purpose for which I suggest it, it would, of course, be essential that it should have the sympathy and support of the leaders of the bar. This would be requisite to give the proper weight to numbers. If resolutions to the effect above suggested were passed at a meeting, so attended and supported as to deserve the respect of the profession, I should then suggest that the benchers of the four Inns of Court be memorialised by the meeting, represented by the president, to concur in the necessary measures for the appointment of a joint committee of the four inns (after the manner of the joint council of education), to be called 'The Council of Reporting,' and to consist of fifteen members, of whom the Attorney-General, the Solicitor-General, and the Queen's Advocate for the time being should be members, *ex officio*. The other twelve members to be elected and appointed, three by the benchers of each inn,—for the period of three years, and to be fairly selected from practising members of each department of the bar, without reference to standing,



so as to form a body, who, from their position in the profession, would themselves be interested, and would also fairly represent the interests of the rest of the profession, in establishing and maintaining the constant efficiency of the reports. Vacancies in the body during the triennial period to be filled up by the remaining members, regard being had to the branch of practice in which the vacancy occurred; any of the three ex officio members vacating his office during the three years (otherwise than by elevation to the bench), to continue a member for the remainder of the triennial period. I propose that this body should act gratuitously, and that five should be a quorum. That they should have the appointment and removal of all the editors and reporters, and the management and direction of all the affairs, financial and otherwise, relating to the printing and sale of the reports, with power, for the latter purpose, to delegate any part of their authority to a committee of their own body, and to appoint one or more paid agent or agents. The editors and reporters to be subject, as to the Courts of Equity, to the approval of the Lord Chancellor, the Master of the Rolls, the Lords Justices, and the Vice-Chancellors, or any three of them (the Lord Chancellor and the presiding judge of the respective courts being of the quorum); as to the Courts of Common Law, to the approval of the Lord Chancellor, the two Chief Justices, the Chief Baron, the Judge Ordinary of the Divorce and Probate Courts, and the Judge of the Admiralty Court, or any three of them (the Lord Chancellor and the chief or presiding judge of the respective courts being of the quorum); and as to the Appellate Courts, to the approval of the Lord Chancellor, and two members of the Judicial Committee as to the Privy Council, and two Law Lords as to the House of Lords. That the reporters so to be appointed and approved be recognised as officers of the respective courts, have a place assigned to them at the bar, and have access to and possession, for the purpose of reporting, of all copies of pleadings, evidence, papers, and documents connected with cases to be reported, which it is in the power of the Court to authorise or afford.

"The staff of editors and reporters, and their particular duties, would of course be determined upon and prescribed by the council; but it should be sufficient for the purpose of insuring the attendance in each court of one reporter every day the Court sits—the attendance to be as regular and continuous as that of a registrar—and for the preparation and publication in weekly numbers of reports and notes of cases, for the use of the profession and the public, and for citation in court until the more complete reports shall have been published. I propose, that full and complete reports of cases shall be prepared and submitted to the judge, and published once in every three months, or oftener if convenient, after the manner of the existing regular reports, so as to form separate volumes, as at present. These reports should be published under the joint responsibility of the respective editors and reporters, and the series should be called 'The Bar Reports,' and, from the time of their publication, should be the only reports citable as authority. This last object will be effectuated without the necessity of resorting to the exercise of any power inherent in the judges, if the Bar resolve, that the privilege of appending the barrister's name to a report, for the purpose of citation as authority, be exercised in subordination to the authority of the council. It is only by permission of the judges, granted in the exercise of a judicial discretion as to what is for the public good, that the present system of citation has grown up; and the same discretion, having regard to the same object, may, I conceive, withdraw or limit the permission:—

so that the Judges and the Bar together would have full power to accomplish the object of making the Bar Reports the only authority to be cited.

"The complete reports should contain a copy or sufficient abstract of the decree or order, and be accompanied with proper headings, indexes, and digests, and, where necessary, with notes and commentaries elucidating the point decided. The object should be to render these reports a work which will not only be a safe guide in the future administration of justice, but also, by preventing the accumulation of useless and mischievous matter for the future, help to promote the study of law as a science. In my view, it would be desirable that the editors and reporters should be expected to devote their whole time and attention to the discharge of their duties; or, at all events, that the distraction of private business should not be permitted, to any extent, to interfere with the regular and efficient discharge of their duties; and that the salaries should be of an amount sufficient to secure the continued services of men duly qualified by learning and experience. And I should hope that the arrangements would be of such a nature, as regards salary and prospect of professional advancement, as to insure the services of all such of the existing regular reporters as might be able and willing to undertake the discharge of the more responsible duties which would be involved in the new system, and also of as many of the other gentlemen having experience in reporting who might be willing to offer their services, in preference (where qualifications were equal) to barristers who had not been so employed. The number of reporters required would, I conceive, very greatly exceed the present number of the regular reporters; and, in addition, the services of at least three responsible working editors would be required:—and as their qualifications and position would be higher, and their responsibility greater, their salaries should be higher also." (p. 56).

Mr. Daniel then proceeds to suggest, that the reports might be sold for an annual subscription of ten guineas, and yield an ample remuneration for the reporters and editors. The fact (stated by Mr. Sweet in his paper on digesting and regulating the publication of the reports), that at one period the publishers of the King's Bench Reports paid the reporters nearly three guineas for every page, justifies this suggestion.

The whole of Mr. Daniel's pamphlet is well worthy of attention. The plan, if not practicable in its present form, is so suggestive, that we are unwilling to anticipate difficulties. If a large and influential meeting of the Bar resolve to act, the most important step will have been taken, and there will then be time to consider the details.

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According to the Government papers, Serjeant Pigott, of the Oxford Circuit, having a patent of precedence, and M.P. for Reading, will succeed to the office of puisne Baron of the Exchequer, vacant by the transfer of Sir James Plaistead Wilde to the office of judge of the Court of Probate.

We take the following from the *Globe*:—"We have reason to believe that Sir William Atherton has resigned the office of Attorney-General. The cause, we regret to say, is continued ill-health. Sir William Atherton was offered the puisne judgeship vacant by the appointment of Baron Wilde to succeed the late Sir Cresswell Cresswell; but his state of health compelled him to relinquish all official work, and he has, therefore, deemed it his duty to resign the Attorney-Generalship, to the regret of all those officially associated with him. Sir William Atherton is succeeded by Sir Roundell Palmer, the Solicitor-General."

**SPRAWSON, CHARLES**, Sheffield, gimblet maker, Oct. 7, Sheffield. *Off. Ass. Wake*; *Sol. Mason*, York and Sheffield.—*Pet. f. Sept. 10.*  
**STIMON, JAMES**, Bridgewater, Somersetshire, brickyard foreman, Oct. 21, Bridgewater. *Off. Ass. Lovibond*; *Sol. Bartram*, Bridgewater.—*Pet. f. Sept. 14.*  
**THOMAS, WILLIAM LTHALL**, Hove, Sussex, engineer, Oct. 1, Lewes. *Off. Ass. Blake*; *Sol. Goodman*, Brighton.—*Pet. f. Sept. 17.*  
**TOWNEND, EDMUND**, Bradford, woolstapler, Oct. 9, Leeds. *Off. Ass. Young*; *Sols. Watson & Co.*, Bradford; *Carls & Co.*, Leeds.—*Pet. f. Sept. 24.*  
**WHITE, CHARLES FRIGATE**, Durham, grocer, Oct. 6 (and not Sept. 25, as previously advertised), Newcastle-upon-Tyne. *Off. Ass. Baker*; *Sols. Hodge & Co.*, Newcastle-upon-Tyne.—*Pet. f. Sept. 9.*  
**WILSON, WILLIAM**, Erbstock, Denbighshire, out of business, Oct. 7, Wrexham. *Off. Ass. Edgworth*; *Sol. Rymer*, Wrexham.—*Pet. f. Sept. 17.*

#### BANKRUPTCY DISMISSED.

**ROBERTS, EVA**, Leek, Staffordshire, assistant surgeon.

#### PARTNERSHIP DISSOLVED.

**CHRISTIAN, HENRY**, and **CHOFFER, WILLIAM**, Liverpool, attorneys-at-law and solicitors.

### TUESDAY, Sept. 29.

#### BANKRUPTS.

##### To be heard in London.

**BOULDING, EDWARD**, King's Lynn, Norfolk, chemist, Oct. 9. *Off. Ass. Stansfeld*; *Sols. Chilton & Co.*, 25, Chancery-lane; *Coulton & Co.*, King's Lynn.—*Pet. f. Sept. 25.*  
**COX, JOHN**, Southampton, gun maker, Oct. 9. *Off. Ass. Stansfeld*; *Sols. Paterson & Son*, 7, Bouverie-street; *Mackay*, Southampton.—*Pet. f. Sept. 26.*  
**DAVIES, GEORGE VALENTINE**, Cambridge-terrace, King's-road, Chelsea, out of employment, Oct. 14. *Off. Ass. Graham*; *Sol. Davies*, 9, Union-court, Old Broad-street.—*Pet. f. Sept. 25.*  
**ELDRIDGE, JOHN**, Bond-street, Vauxhall, carpenter, Oct. 14. *Off. Ass. Graham*; *Sol. Aldridge*, 46, Moorgate-street.—*Adj. Sept. 21.*  
**FORBES, ELIZABETH**, Totton, near Southampton, widow, Oct. 9. *Off. Ass. Stansfeld*; *Sols. Lawrence & Co.*, 14, Old Jewry-chambers.—*Pet. f. Sept. 26.*  
**HEAD, WILLIAM BEACHY**, Walton-on-the-Naze, Essex, innkeeper, Oct. 15. *Off. Ass. Graham*; *Sol. Jones*, Colchester, Essex.—*Pet. f. Sept. 25.*  
**HEMBERY, JOSEPH HENRY**, Staple-inn, and South Mimms, Barnet, solicitor, Oct. 9. *Off. Ass. Graham*; *Sol. Chidley*, 25, Old Jewry.—*Pet. f. Sept. 23.*  
**HUMPHRIES, WILLIAM**, King-street, High Holborn, ironmonger, Oct. 14. *Off. Ass. Graham*; *Sol. Rae*, 9, Mincing-lane.—*Pet. f. Sept. 19.*  
**HUNT, JOHN**, Broadway, Hammer-smith, fishmonger, Oct. 9. *Off. Ass. Stansfeld*; *Sol. Hare*, 66, Basinghall-street.—*Pet. f. Sept. 26.*  
**LLOYD, FREDERICK GEORGE BATTY**, Rose-cottage, Kennington-park, comedian, Oct. 15. *Off. Ass. Stansfeld*; *Sol. Marshall*, 9, Lincoln's-inn-fields.—*Pet. f. Sept. 26.*  
**PARSONS, AARON**, Great Missenden, Buckinghamshire, farmer, Oct. 9. *Off. Ass. Stansfeld*; *Sol. Chappell*, 40A, Connaught-terrace, Hyde-park.—*Pet. f. Sept. 25.*  
**RICHARDSON, JAMES**, Great Union-street, Borough-road, lithographic printer, Oct. 9. *Off. Ass. Stansfeld*; *Sol. Smith*, 2, Whitefriars-street.—*Pet. f. Sept. 24.*  
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**SPONG, FREDERICK**, Thomas-street, Devonport-street, Ratcliffe, boat-builder, Oct. 14. *Off. Ass. Graham*; *Sol. Paverley*, 73, Coleman-street.—*Pet. f. Sept. 24.*  
**STONE, EDWIN**, Hedger-grove, Hackney, saw-mill proprietor, Oct. 14. *Off. Ass. Graham*; *Sol. Aldridge*, 46, Moorgate-street.—*Adj. Sept. 21.*  
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**SWAISLAND, CHARLES WILLIAM**, Reigate, Surrey, out of business, Oct. 14. *Off. Ass. Graham*; *Sols. Linklaters & Co.*, 7, Walbrook.—*Pet. f. Sept. 24.*  
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**WHITE, JOSEPH**, Lime-terrace, Eleanor-road, Hackney, wine merchant's clerk, Oct. 9. *Off. Ass. Graham*; *Sols. Kaighley & Co.*, 7, Iron-monger-lane.—*Pet. f. Sept. 26.*  
**WILSON, JOSEPH WILLIAM**, Barking-road, baker, Oct. 9. *Off. Ass. Graham*; *Sol. Wetherfield*, 35, Moorgate-street.—*Pet. f. Sept. 24.*  
**WOOLF, EDWARD**, Little Tower-street and Great Tower-street, City, and Upper Norwood, Surrey, wine merchant, Oct. 14. *Off. Ass. Graham*; *Sol. Sibbards*, 27, Leadenhall-street.—*Pet. f. Sept. 19.*

##### To be heard in the Country.

**ALSBY, WILLIAM**, Petersfield, Hampshire, hairdresser, Oct. 13, Petersfield. *Off. Ass. Mellerah*; *Sol. Paffard*, Portsea.—*Pet. f. Sept. 24.*  
**BAKE, HENRY**, Manchester, surveyor, Oct. 19, Manchester. *Off. Ass. Kay*; *Sol. Gardner*, Manchester.—*Pet. f. Sept. 4.*  
**BATES, JANE**, Salford, Lancashire, widow, Oct. 17, Salford. *Off. Ass. Hulton*; *Sol. Nuttall*, Manchester.—*Pet. f. Sept. 23.*  
**BECK, JOHN**, Carlton-in-Coverdale, near Leyburn, Yorkshire, cattle dealer, Oct. 17, Leyburn. *Off. Ass. Robinson*; *Sol. Robinson*, Settle.—*Pet. f. Sept. 26.*  
**BIRNELL, HENRY**, Birmingham, tailor, Oct. 16, Birmingham. *Off. Ass. Kinneer*; *Sols. Hodgson & Co.*, Birmingham; *Treherne & Co.*, 17, Gresham-street.—*Pet. f. Sept. 12.*

**BOOTHROYD, HENRY**, Southport, Lancashire, out of business, Oct. 14, Liverpool. *Off. Ass. Morgan*; *Sol. Fox*, Manchester.—*Pet. f. Sept. 25.*  
**BRADBURY, EDWARD**, Hulme, Lancashire, funeral furnisher, Oct. 17, Salford. *Off. Ass. Hulton*; *Sol. Boots*, Manchester.—*Pet. f. Sept. 24.*  
**BREWSTER, THOMAS**, Kidderminster, Worcester-shire, braier, Oct. 14, Kidderminster. *Off. Ass. Talbot*; *Sol. Saunders*, Kidderminster.—*Pet. f. Sept. 24.*  
**BURROWS, JOSEPH**, Chesterfield, Derbyshire, grocer, Oct. 17, Sheffield. *Off. Ass. Young*; *Sols. Cutts*, Chesterfield; *Smith & Co.*, Sheffield.—*Pet. f. Sept. 26.*  
**BYRON, WILLIAM**, Blackburn, Lancashire, publican, Oct. 23, Manchester. *Off. Ass. Pott*; *Sol. Gardner*, Manchester.—*Adj. Sept. 17.*  
**CLASE, WILLIAM GARLAND**, Plymouth, Devonshire, private tutor, Oct. 14, East Stonehouse. *Off. Ass. Pearce*; *Sols. Edmonds & Co.*, Plymouth.—*Pet. f. Sept. 26.*  
**COOK, KNOCK**, Lincoln, beer seller, Oct. 10, Lincoln. *Off. Ass. Uppleby*; *Sol. Toyneboe*, Lincoln.—*Pet. f. Sept. 26.*  
**DAVY, BENJAMIN GEORGE**, Birmingham, lodging-house keeper, Oct. 26, Birmingham. *Off. Ass. Guest*; *Sol. Palmer*, Birmingham.—*Pet. f. Sept. 25.*  
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**HARRIS, JAMES**, Great Grimsby, Lincolnshire, silversmith, Oct. 14, Kingston-upon-Hull. *Off. Ass. Carrick*; *Sols. Portington & Co.*, Alford.—*Pet. f. Sept. 25.*  
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PATRICK F. ROBERTSON, Esq.  
HARRY GEORGE GORDON, Esq.  
ROBERT SMITH, Esq.  
GEORGE IRELAND, Esq.  
Sir S. WILLIAMS SURTEES, K.B.  
DUNCAN JAMES KAT, Esq.

The Directors of the CEYLON COMPANY, LIMITED, being authorised by a Resolution of the Shareholders, at a General Meeting of the Company, held in London on the 4th day of April, 1863, to borrow a Sum of Money not exceeding the unpaid portion of their Subscribed Capital, are prepared to ISSUE DEBENTURES for one, three, and five years at 5, 5½, and 6 per cent. respectively, and for longer periods, as may be specially arranged.

The Directors are also prepared to invest for Constituents, at Colonial Rates, Money on Mortgage in Ceylon and Mauritius, either with or without their guarantee, as may be arranged.

Applications for particulars to be made at the Office of the Company, No. 12, Leadenhall-street.

By Order,  
JOHN ANDERSON, Secretary.

N N



## GAZETTES.—FRIDAY, Oct. 2.

## BANKRUPTS.

*To be heard in London.*

BAIGENT, ALICE SUSANNAH PARK, Warwick-place, Bedford-row, licensed victualler, Oct. 14. Off. Ass. Graham; Sols. Pawle & Co., 7, New-inn, Strand.—Pet. f. Sept. 28.

BLACKBURN, RICHARD, Regent-street, Oxford-street, tailor's foreman, Oct. 15. Off. Ass. Stansfield; Sol. Hare, 66, Basinghall-street.—Pet. f. Sept. 28.

BURNIDGE, ARTHUR, Plough-lane, Saint John's-hill, Battersea-rise, labourer, Oct. 15. Off. Ass. Stansfield; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 28.

CRAWFORD, HENRY EDWARD, Seymour-place, York-street, Walworth-road, timber merchant, Oct. 15. Off. Ass. Stansfield; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Sept. 29.

EVERITT, WILLIAM, Elmstead, Essex, cattle dealer, Oct. 15. Off. Ass. Stansfield; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. Sept. 28.

HEWMANN, FREDERICK, Devonshire-place, Portland-road, artist in huhl, Oct. 15. Off. Ass. Stansfield; Sols. Walter & Co., 8, Southampton-street, Bloomsbury.—Pet. f. Sept. 29.

HOBBS, EDWARD NEWMAN, Ware, Hertfordshire, flour factor, Oct. 15. Off. Ass. Stansfield; Sol. Gregson, 8, Angel-court, Throgmorton-street.—Pet. f. Sept. 24.

ISOB, WILLIAM HENRY, Wood-street, Cheapside, stationer, Oct. 14. Off. Ass. Graham; Sol. Hill, 10, Basinghall-street.—Pet. f. Sept. 28.

KEIGHT, GEORGE, West Cottages, Wellington-road, Clapham-rise, cooper, Oct. 15. Off. Ass. Stansfield; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. Sept. 30.

KROTOWSKI, MARK DAVID, Angel-court, Stoney-lane, Houndsditch, out of business, Oct. 14. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 28.

MOSS, WILLIAM SELBY, York House, Fulham-road, upholsterer, Oct. 15. Off. Ass. Cannan; Sol. Norton, 10, Clifford's-inn.—Pet. f. Sept. 14.

PASKELL, THOMAS BURNS, and PASKELL, LOUANNIA, Robert-terrace, King's-road, Chelsea, dealers in tobacco, Oct. 15. Off. Ass. Stansfield; Sol. Wright, 23, Chancery-lane.—Pet. f. Sept. 28.

PRINCE, FREDERICK WALKER, Epsom, Surrey, gun maker, Oct. 15. Off. Ass. Stansfield; Sol. Aldridge, 46, Moorgate-street.—Adj. Sept. 21.

RAVDELL, CHARLES, Widford, Hertfordshire, baker, Oct. 14. Off. Ass. Graham; Sol. De Medina, 3, Primrose-street, Bishopgate-street.—Pet. f. Sept. 28.

ROSS, HENRY, Palmerston-terrace, St. Mary's, Newington, clerk to a general agent, Oct. 15. Off. Ass. Stansfield; Sol. Beard, 10, Basinghall-street.—Pet. f. Sept. 30.

SIMS, MOSES, Stoke Newington-green, butler, Oct. 15. Off. Ass. Stansfield; Sol. Aldridge, 46, Moorgate-street.—Adj. Sept. 21.

SMITH, WILLIAM, and SMITH, WILLIAM JOHN, Leicester-place, Leicester-square, army contractors, Oct. 15. Off. Ass. Stansfield; Sol. Allen, 64, Chancery-lane.—Pet. f. Sept. 30.

SMITH, HENRY, Farnham, Surrey, upholsterer, Oct. 14. Off. Ass. Graham; Sols. Harrison & Co., Old Jewry.—Pet. f. Sept. 30.

YARROW, FRANK SPURBELL, Bridport-place, Heaton, builder, Oct. 14. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 26.

*To be heard in the Country.*

ANDREWS, EDWARD, Alfreton, Derbyshire, bricklayer, Oct. 21. Alfreton. Off. Ass. Hubberty; Sol. Jessop, Alfreton.—Pet. f. Sept. 28.

ATKINSON, WILLIAM, Aylesbeare, Devonshire, innkeeper, Oct. 13, Exeter. Off. Ass. Daw; Sol. Floud, Exeter.—Pet. f. Sept. 28.

BARKER, GEORGE, Stokenchurch, Oxfordshire, blacksmith, Oct. 27, High Wycombe. Off. Ass. Parker; Sol. Spicer, Great Marlow.—Pet. f. Sept. 28.

BARRATT, JOHN WARBUTTON, Manchester, baker, Oct. 14, Manchester. Off. Ass. Herniman; Sol. Boots, Manchester.—Pet. f. Sept. 25.

BLAIR, THOMAS, Seaham Harbour, Durham, bootmaker, Oct. 16, Seaham Harbour. Off. Ass. Wright; Sol. M' Rae, Sunderland.—Pet. f. Sept. 25.

BROADHOUSE, THOMAS, Wednesbury, Staffordshire, upholsterer, Oct. 21, Birmingham. Off. Ass. Kinnear; Sols. Duignan & Co., Walsall.—Pet. f. Sept. 28.

CAITHNESS, HARBOLD, South Shields, Durham, shipowner, Oct. 16, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Dodd, North Shields.—Pet. f. Sept. 18.

CRANTREE, JOHN, Tunstall, Yorkshire, butcher, Oct. 13, Richmond. Off. Ass. Tomlin; Sols. Hunton & Co., Richmond.—Pet. f. Sept. 24.

DAVIS, ROBERT CROFT, Portsea, Hampshire, police constable, Oct. 15, Portsmouth. Off. Ass. the registrar; Sol. Cousins, Portsea.—Pet. f. Sept. 26.

DICKINSON, WILLIAM, Manchester, joiner, Oct. 19, Manchester. Off. Ass. Kay; Sol. Gardner, Manchester.—Pet. f. Sept. 10.

EDMONDSON, JOSIAH, Whitehaven, Cumberland, greaser, Oct. 12, Whitehaven. Off. Ass. Hodgkin; Sol. Paitson, Whitehaven.—Pet. f. Sept. 28.

FAULKNER, THOMAS JOHN, Manchester, Oct. 12, Manchester. Off. Ass. Pott; Sol. Mann, Manchester.—Pet. f. Sept. 23.

GATE, WILLIAM, Whitehaven, Cumberland, carver and gilder, Oct. 14, Whitehaven. Off. Ass. Hodgkin; Sol. Webster, Whitehaven.—Pet. f. Sept. 29.

GYTON, WILLIAM, Great Yarmouth, Norfolk, grocer, Oct. 13, Great Yarmouth. Off. Ass. Palmer; Sol. Diver, Great Yarmouth.—Adj. Sept. 12.

HASKINS, JOSEPH JOHN, Fenstanton, Huntingdonshire, tailor, Oct. 13, Huntingdon. Off. Ass. Margetts; Sol. Coots, Fenstanton.—Pet. f. Sept. 25.

HODSON, JOHN, South Leverton, Nottinghamshire, grocer, Oct. 17, Sheffield. Off. Ass. Young; Sols. Marshall & Co., Retford; Smith & Co., Sheffield.—Pet. f. Sept. 28.

HOPPER, JONATHAN, Long Itchington, Warwickshire, tailor, Oct. 12, Southam. Off. Ass. Pools; Sol. Griffin, Leamington.—Pet. f. Sept. 24.

HUXLEY, JAMES, Kingwinford, Staffordshire, licensed victualler, Oct. 16, Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. Sept. 25.

JACKSON, JOSEPH, Hanley, Staffordshire, potter, Oct. 17, Hanley. Off. Ass. Challinor; Sol. Sutton, Burslem.—Pet. f. Sept. 29.

JACKSON, JOSEPH, Whitehaven, Cumberland, bookkeeper, Oct. 12, Whitehaven. Off. Ass. Hodgkin; Sol. Paitson, Whitehaven.—Pet. f. Sept. 28.

LUTY, WILLIAM, Dursley, Gloucestershire, machine manufacturer, Oct. 12, Bristol. Off. Ass. Acraman; Sols. Clutterbuck, Stroud; Brittan & Co., Bristol.—Pet. f. Sept. 30.

NEWBOLD, EDWARD, Nottingham, ironmonger, Oct. 13, Nottingham. Off. Ass. Harris; Sols. Freeth & Co., Nottingham.—Pet. f. Sept. 7.

NICHOLSON, ALFRED, Hemingford Grey, Huntingdonshire, attorney, Oct. 13, Huntingdon. Off. Ass. Margetts; Sol. Coots, Fenstanton.—Pet. f. Sept. 25.

NUTTALL, CHARLES, Hyde, Cheshire, licensed victualler, Oct. 14, Hyde. Off. Ass. Brooks; Sol. Sutton, Manchester.—Pet. f. Sept. 30.

PATRICK, WILLIAM, Worcester, bricklayer, Oct. 13, Worcester. Off. Ass. Hill; Sol. Corbet, Kidderminster.—Pet. f. Sept. 22.

PRICE, THOMAS, Benew, Montgomeryshire, farmer, Oct. 12, Welchpool. Off. Ass. Harrison; Sol. Jones, Welchpool.—Pet. f. Sept. 28.

SKETCHLEY, WILLIAM, Bampton-in-the-Bush, Oxfordshire, licensed hawk, Oct. 16, Newport Pagnell. Off. Ass. Parrott; Sol. Shepherd, Luton, Bedfordshire.—Pet. f. Sept. 12.

SPEAKMAN, WILLIAM, Leigh, Lancashire, plumber, Oct. 14, Leigh. Off. Ass. Holden; Sol. Ambler, Leigh.—Pet. f. Sept. 28.

STEVENS, GEORGE, Hastings, Sussex, builder, Oct. 16, Hastings. Off. Ass. Young; Sol. Langham, Hastings.—Pet. f. Sept. 30.

SWIFT, RICHARD, Houghton Regis, Bedfordshire, coal merchant, Oct. 15, Luton. Off. Ass. Austin; Sol. Shepherd, Luton.—Pet. f. Sept. 22.

WADLEY, JAMES, Birmingham, cooper, Oct. 21, Birmingham. Off. Ass. Kinnear; Sol. Pole, Birmingham.—Pet. f. Sept. 25.

WALKER, ISAAC, Leicester, cordwainer, Oct. 17, Leicester. Off. Ass. Ingram; Sol. Haxby, Leicester.—Pet. f. Sept. 25.

WITTING, TOM, Kingston-upon-Hull, joiner, Oct. 9, Hull. Off. Ass. Phillips.—Adj. July 15.

WOLSTENHOLME, JAMES, Liverpool, licensed victualler, Oct. 15, Liverpool. Off. Ass. Morgan; Sol. Blackhurst, Liverpool.—Pet. f. Sept. 30.

WOOLLEY, EDWARD, Longton, Staffordshire, tailor, Oct. 17, Stoke-upon-Trent and Longton. Off. Ass. Keary; Sol. Young, Longton.—Pet. f. Sept. 28.

YARROW, WILLIAM, Wednesbury, Staffordshire, engineer, Oct. 16, Birmingham. Off. Ass. Whitmore; Sol. Wright, Birmingham.—Pet. f. Sept. 28.

## PARTNERSHIPS DISSOLVED.

MORECROFT, JOHN, and MORECROFT, WILLIAM FREDERICK, Liverpool, attorneys-at-law and solicitors.

ODY, HENRY MORTON, and PADDISON, HOWARD, New Boswell-court, Lincoln's-inn, attorneys and solicitors.

## TUESDAY, Oct. 6.

## BANKRUPTS.

*To be heard in London.*

BATES, WILLIAM, Nottingham, chairmaker, Oct. 16. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Sept. 5.

CLARKE, WILLIAM DAVID, Gray's-lane-road, St. Pancras, gasfitter, Oct. 16. Off. Ass. Stansfield; Sol. Wyatt, 13A, Cannon-row, Westminster.—Pet. f. Oct. 2.

COLLINS, GEORGE, Falmouth, Cornwall, draper, Oct. 23. Off. Ass. Graham; Sols. Davidson & Co., Weaver's Hall, 23, Basinghall-street.—Pet. f. Oct. 3.

COLTMAN, WILLIAM, Alma-street, New North-road, printer, Oct. 16. Off. Ass. Graham; Sol. Sumner, 12, Pancras-lane.—Pet. f. Sept. 29.

CROSS, STEPHEN, Heybridge, Essex, corn merchant, Oct. 21. Off. Ass. Graham; Sol. Duffell, Cornhill.—Pet. f. Oct. 1.

FILNEY, WILLIAM EDWARD, Norwich, out of business, Oct. 16. Off. Ass. Graham; Sols. Chittock, Norwich; Doyle, 2, Verulam-buildings, Gray's-lane.—Pet. f. Sept. 29.

FLOWER, CALVERT OWEN, Water-lane, Tower-street, City, and Camden-square, St. Pancras, commission agent, Oct. 22. Off. Ass. Stansfield; Sol. Drew, 4, New Basinghall-street.—Pet. f. Oct. 5.

GRAY, LEWIS LODWICK, Dorset-villas, Northumberland Park, Tottenham, gardener, Oct. 16. Off. Ass. Stansfield; Sol. Barrow, 15, Cannon-street.—Pet. f. Oct. 2.

HARRIS, WILLIAM BEAT, Litchfield-street, Soho, servant to the Junior United Service Club, Oct. 16. Off. Ass. Stansfield; Sol. Hill, 10, Basinghall-street.—Pet. f. Oct. 3.

JUFFS, GEORGE, Woburn, Bedfordshire, draper, Oct. 16. Off. Ass. Stansfield; Sol. Child, Old Jewry-chambers.—Pet. f. Oct. 1.

LARSEN, HENRY, High-street, Battersea, builder, Oct. 16. Off. Ass. Graham; Sol. Smith, 15, Wilmington-square.—Pet. f. Oct. 2.

LINDSEY, JOHN, Victoria-road, Old Ford-road, Bow, printer's clerk, Oct. 16. Off. Ass. Graham; Sol. Pearce, 8, Giltspur-street.—Pet. f. Oct. 2.

MACDONALD, GEORGE SAMUEL, Old Compton-street, Soho, manufacturer of fancy leather goods, Oct. 16. Off. Ass. Stansfield; Sol. Jackson, 19, Basinghall-street.—Pet. f. Oct. 3.

RATNER, WILLIAM FREDERICK, Suffolk-road, Dalston, Hackney, builder, Oct. 16. Off. Ass. Graham; Sols. Brady & Co., 35, Old Jewry.—Pet. f. Oct. 1.

SMITH, ABRAHAM, Huntington, grocer, Oct. 16. Off. Ass. Graham; Sols. Fox & Co., Greenham House.—Pet. f. Sept. 30.

[For continuation of Gazette, see p. 352.]

## CONTENTS.

London Gazettes.....	354
Leading Article .....	355
Vulgar Legal Errors.....	358
Statutes passed during the late Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Chapman v. Brown.—(Will, construction of—Clause of forfeiture).....	995
In re Hadfield's Patent Cask and Package Company (Limited), ex parte Greenwood.—(Companies Acts of 1856, 1862—Winding-up order—Simple contract debt, interest on—General Order of the 11th November, 1862, rule 26) .....	997

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

In re Cameron's Coalbrook Company—Hunt's case.—(Winding up—Revising list of contributories—Lapse of time) .....	998
In re Parke's Trust.—(Appointment of new trustees—Power vested in lunatic tenant for life—Jurisdiction) .....	998
Suffield v. Brown.—(Easement—Implied reservation) .....	999

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Davies v. Davies and Others.—(Parent and child—Undue influence—Gift by child to parent set aside—Rectification of settlement).....	1002
--	------

## VICE-CHANCELLOR STUART'S COURT—(continued).

Cooper and Another v. Gostling and Others.—(Deed executed and not "acknowledged" by married woman—Lands Clauses Consolidation Act, sect. 7—Conversion—Acquiescence) .....	1006
Norman Scott Russell and Others v. The London, Chatham, and Dover Railway Company and Others.—(Railway company—Construction of works—Practice—Motion for injunction by defendant against co-defendant).....	1007

## COURT OF QUEEN'S BENCH.

By C. W. LOVSEY, Barrister at Law.

Reg. v. The Metropolitan Board of Works.—(Construction of sewer—Abstraction thereby of underground or percolating water—11 & 12 Vict. c. 112, ss. 50, 69) .....	1009
Kirkin and Others, Apprs., Jenkins, Resp.—(Vagrant Act, 5 Geo. 4, c. 83, s. 4—Being in a dwelling-house for an unlawful purpose) .....	1013

## COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

Inglebach and Another v. Nicholls.—(Composition deed—Bankruptcy Act, 1861, sect. 192—Bills of exchange) .....	1015
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## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Flight v. Reed.—(Consideration for promise—Prior usurious loan) .....	1016
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## THE JURIST.

LONDON, OCTOBER 10, 1863.

ALTHOUGH the last session of Parliament was productive of no very great measure, and its proceedings were, with one or two exceptions, remarkable for the quiet manner in which they were conducted, nevertheless a great many statutes on a variety of subjects, shew, in an unmistakable manner, the general desire of all parties in Parliament to do what was in their power to ameliorate the condition, and accede to the just wishes, of the people. This will be seen from a slight sketch of the measures of last session.

Undoubtedly the most important act relative to the amendment of the law is the Statute-law Revision Act, 1863 (26 & 27 Vict. c. 125), prepared by Messrs. Wood and Reilly, under the superintendence of the Lord Chancellor, which relieves the statute-book, by the express repeal of an enormous mass of enactments which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, and which revises the statutes from the reign of Henry III down to, and inclusive of, the reign of James II. This is one of the important steps which, since the abolition of the Statute-law Commission, have been made towards the consolidation of the statute law.

Next, as to the enactments having relation to the administration of justice. It has long been felt that local magistrates in large towns are very inefficient, not only from their want of a competent knowledge of the law, but from the inability which such persons, frequently employed in some trades or professions, have of giving up sufficient time for the performance

of their magisterial duties. This will in some measure be remedied by the 26 & 27 Vict. c. 97, which enables cities, towns, and boroughs of twenty-five thousand inhabitants and upwards to appoint stipendiary magistrates; or rather the local board of such city or place, if they think it expedient that a stipendiary magistrate should be appointed, may first make a by-law fixing the amount of his salary, subject to the approval of one of the Principal Secretaries of State, and then the Crown has power to appoint as magistrate a fit person, being a barrister-at-law of not less than five years' standing.

Another act (26 & 27 Vict. c. 122) enables her Majesty in Council to make alterations in the circuits of the judges, by taking away from any circuit any county or counties, or any part or parts of any county or counties, and to annex the same to any other circuit or circuits (sect. 1); power is also given to alter the salaries of the clerks of assize on the alteration of circuits (sect. 2); and there is also power to alter the number of revising barristers to be appointed in their circuits affected by alterations (sect. 4).

An act has also passed to amend the Petty Sessions (Ireland) Act, 1851, and the Petty Sessions Clerks (Ireland) Act, 1858 (26 & 27 Vict. c. 96). Persons, moreover, refusing, from conscientious motives, to be sworn in criminal proceedings in Scotland, are to be permitted to make a solemn affirmation or declaration (26 & 27 Vict. c. 85).

The criminal law has been altered by two acts of Parliament, in the first by increasing, in the second by diminishing, the punishment for certain offences. The first act, intended to break up the system of garotting, is intitled "An Act for the further Security of the Persons of her Majesty's Subjects from Personal Violence" (26 & 27 Vict. c. 44), gives power to



the Court to award the punishment of *whipping*, in the cases of personal violence there named, in addition to the other punishment awarded under previous acts.

It will in all probability be found, that the success of this measure will render it advisable to extend the same punishment to persons guilty of arson, who do not seem to be sufficiently deterred from committing that offence by the dread of penal servitude.

Until last session, the offence of taking corn or other food by a servant from the possession of his master, contrary to his orders, for the purpose of giving the same, or having the same given, to the horses or other animals of such master, was a felony. The law was doubtless too severe, and has often been animadverted upon by legal writers as a disgrace to English jurisprudence. By the 26 & 27 Vict. c. 103, this offence has been declared not to be felony; but the offender, on conviction before two justices of the peace, is liable to imprisonment, not exceeding three months, or to a fine, not exceeding 5*l.*; and the justices have power to dismiss the case, if they deem it too trifling.

With regard to *prisons*, an act has been passed to amend the law relating to them in Ireland (26 & 27 Vict. c. 66); and there is an act for remedying certain defects in the law relating to the removal of prisoners in Scotland (26 & 27 Vict. c. 109).

By the Prisons Ministers Act, 1863 (26 & 27 Vict. c. 79), power is given to the persons having the appointment of chaplains in prisons, where the number of prisoners confined in any prison in England or Scotland belong to some church or persuasion differing from the churches of those two countries respectively, to appoint ministers of the same church or persuasion as such prisoners; and they may, if they think fit, award to such ministers a reasonable recompense for their services.

With regard to the *poor law*, the board is continued until the 23rd July, 1864, and the end of the then next session of Parliament (26 & 27 Vict. c. 55); the provisions of the Union Relief Aid Acts are extended for a further period (26 & 27 Vict. c. 4, c. 91); and the relating to the removal of poor persons, natives of Ireland, is further amended, in particular by the imposition of penalties for the wilful desertion of the pauper while on the journey (26 & 27 Vict. c. 89).

An act has also been passed to amend the *Lunacy Acts*, in relation to the building of asylums for *pauper lunatics* (26 & 27 Vict. c. 90).

Parliament has attempted to alleviate the distress of *persons thrown out of employment* by the closing of the mills and manufactories, by passing an act to facilitate the execution of public works in certain manufacturing districts, and to authorise for that purpose advances of public money to a limited amount upon the security of local rates (26 & 27 Vict. c. 76).

The interference of Parliament between employers and the employed has, on the ground of humanity, and of the duty of the Legislature to protect those who cannot adequately protect themselves, been often invoked, and, notwithstanding the dry and harsh rules of political economists, with great advantage to all

parties. This last session produced a most useful act of this character, for limiting the hours of labour of young persons employed in bakehouses, making also various regulations with respect to cleanliness and ventilation in bakehouses (26 & 27 Vict. c. 40). By another act (26 & 27 Vict. c. 88), women, young persons, and children employed in calendering works and finishing works, are placed under the regulation of the Factory Acts.

Next, with regard to *ecclesiastical and religious affairs*. The Lord Chancellor's Act (26 & 27 Vict. c. 120) is not only important in itself, but it is likely to lead to very great results by the principle upon which it proceeds. By this act the Lord Chancellor is empowered to sell a large number of advowsons, of which he is the patron, in order that the purchase money or consideration may be applied in the augmentation of the income of such benefices, or in augmentation of other poor benefices remaining unsold in his gift.

By the 26 & 27 Vict. c. 82, power is given to bishops of Welsh dioceses to license chapels for the performance of Divine service in English; the minister to be nominated by the incumbent of the parish, or, on his failure or refusal to nominate, by the bishop.

The law relating to district parochial churches in Ireland is amended by the 26 & 27 Vict. c. 123, which enables the churchwardens of such churches to levy pew rents, and makes regulations as to free sittings, and as to the applications of the pew rents.

The law relating to *marriages* in Ireland has been amended by the 26 & 27 Vict. c. 27, and provisions are elsewhere made for the registration of marriages (26 & 27 Vict. c. 90), and of births and deaths (26 & 27 Vict. c. 11), in that country.

The *Metropolis* has not been neglected by Parliament. A very useful act (26 & 27 Vict. c. 78) was passed relating to turnpike-roads in the neighbourhood of the metropolis north of the river Thames, under which it is to be hoped that many toll-houses will disappear.

Provisions have been made for the erection of a new street in connexion with the embankment on the north side of the river Thames (26 & 27 Vict. c. 45); and an act has been passed for the embankment of the south side of that river (26 & 27 Vict. c. 75); and another to extend the powers of the act relating to the main drainage of the metropolis (26 & 27 Vict. c. 68).

With regard to the *Colonies*, acts have been passed to alter the boundaries of New Zealand (26 & 27 Vict. c. 23) and British Columbia (26 & 27 Vict. c. 83), and for the government of the Cayman Islands (26 & 27 Vict. c. 31); to determine the time at which letters-patent shall take effect in the Colonies (26 & 27 Vict. c. 76); to facilitate the appointment of vice-admirals and of officers in Vice-Admiralty Courts of her Majesty's possessions abroad (26 & 27 Vict. c. 24); and certain acts of Colonial Legislatures have been confirmed (26 & 27 Vict. c. 84).

A variety of measures interesting to individuals or particular classes have also been passed.

Amongst acts interesting to the *mercantile and monetary classes*, may be mentioned "The Sydney Branch

Mint Act, 1863" (26 & 27 Vict. c. 74), enabling her Majesty to declare gold coins to be issued from her Majesty's Branch Mint at Sydney, New South Wales, a legal tender in the United Kingdom. By the 26 & 27 Vict. c. 105, the restrictions placed by the 17 Geo. 3, c. 30, and the 8 & 9 Vict. c. 38, on the negotiation of promissory notes and bills of exchange under a limited sum, are removed.

A very useful act (26 & 27 Vict. c. 28) has also been passed to give further facilities to the holders of public stocks, by which every person, with certain exceptions, who is proprietor of English or Irish public stocks, may obtain a certificate of title to his shares, or any part thereof, not exceeding 1000*l.*, having annexed coupons, entitling the bearer to the dividends payable in respect of that part or share (sect. 3). A similar act has been passed for the benefit of the holders of India Stock (26 & 27 Vict. c. 73).

Nor have the poorer classes having money to invest been neglected, for an act has been passed to amend the law relative to the Post-office Savings Banks (26 & 27 Vict. c. 14); another to consolidate and amend the laws relating to Savings Banks (26 & 27 Vict. c. 87); a third to provide for the investment of monies received from the trustees of Savings Banks established under the enactments of the 9 Geo. 4, c. 92 (26 & 27 Vict. c. 25); and a fourth act to amend the laws relating to loan societies (26 & 27 Vict. c. 56).

It may be here mentioned, that an act has been passed to prevent false representations as to grants of medals or certificates by the Commissioners for the Exhibitions of 1851 and 1862 (26 & 27 Vict. c. 119).

The law as to elections of members of the House of Commons has been altered by the act to further limit and define the time for proceeding to election during the recess (26 & 27 Vict. c. 20); and the anxiety of Parliament to insure greater purity in elections, is testified by an act to amend and continue the law relating to corrupt practices at elections of members (26 & 27 Vict. c. 29).

The Railways Clauses Consolidation Acts, at the time when they were passed in the year 1845, comprised all the clauses which were then generally introduced into acts of Parliament authorising the construction of railways, other provisions have since that time been frequently introduced into acts of Parliament relating to railways. These have now been comprised in one general act, applicable to England, Ireland, or Scotland, not only for the purpose of avoiding the necessity of repeating such provisions in special acts relating to railways, but also for the purpose of insuring greater uniformity in the provisions thereunder. The new Railways Clauses Act, 1863 (26 & 27 Vict. c. 92), is divided into five parts, as follows:—Part 1, relating to construction of a railway; part 2, relating to extension of time; part 3, relating to working of agreements; part 4, relating to steam vessels; and part 5, relating to amalgamation.

Another act of the same kind has been passed for consolidating in one act certain provisions frequently inserted in acts relating to waterworks (26 & 27 Vict. c. 93). This act, and a former one having the same object, may be cited as the Waterworks Clauses Act, 1847 and 1863.

Another act, of a similar character, which may be cited as the Companies Clauses Act, 1863 (26 & 27 Vict. c. 118), has been passed as supplemental to the Companies Clauses Consolidation Acts, 1845, in which are consolidated into one act certain provisions frequently inserted in acts relating to the constitution and management of companies incorporated for carrying on *undertakings of a public nature*. It is divided into four parts, as follows:—Part 1, relating to cancellation and surrender of shares; part 2, relating to additional capital; part 3, relating to debenture stock; and part 4, relating to change of name.

The *public health* was not disregarded by Parliament, for the practice of vaccination has been further extended and made compulsory in Ireland (26 & 27 Vict. c. 52), and has also been extended and made compulsory in Scotland (26 & 27 Vict. c. 108).

Moreover, the 26th section of the Nuisances Removal Act for England, 1855, with regard to the seizure of diseased and unwholesome meat, being found defective, has been repealed by the 26 & 27 Vict. c. 117, which gives power to the medical officer of health, or inspector of nuisances, to inspect any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour exposed for sale, and intended for the food of man; and if it be unfit for such purpose, to seize it, in order that it may be dealt with by a justice, who may order it to be destroyed, and fine or imprison the offender.

Another act provides for the more effectual condensation of muriatic acid gas in alkali works (26 & 27 Vict. c. 124).

With regard to enactments interesting to *agriculturists*, it will be seen, that an act has been passed to enable landed proprietors to construct works for the drainage and improvement of lands in Ireland (26 & 27 Vict. c. 88); and another act, to facilitate the drainage of lands in Ireland (26 & 27 Vict. c. 26).

An act has also been passed prohibiting the sale and use of poisoned grain or seed (26 & 27 Vict. c. 113); and by the act to amend the law relating to seizure of growing crops in Ireland, they are not to be seized under civil bill, decrees, or justice's orders (26 & 27 Vict. c. 62).

Not much has been done with regard to the *game laws*, an act only having been passed to regulate the sale of *hares in Ireland* (26 & 27 Vict. c. 19); but the *fisheries*, both in Ireland (26 & 27 Vict. c. 114) and Scotland (26 & 27 Vict. c. 50), have met with the attention of Parliament; and, in particular, an act has been passed prohibiting the exportation of salmon at certain times (26 & 27 Vict. c. 10).

An act to amend the law relative to the *conveyance of land for charitable uses* (so badly have the acts upon this subject been drawn) must, we suppose, be looked for annually (see the 26 & 27 Vict. c. 106), until their utter confusion renders consolidation unavoidable.

The liabilities of individuals have, in certain cases, been beneficially altered. Thus, by the 26 & 27 Vict. c. 41, no innkeeper is liable for any loss of, or injury to, the goods or property of his guest, beyond 30*l.*, except in certain cases. On the other hand, the owners of dogs in Scotland are rendered liable for injuries done by their dogs to sheep and cattle, without the necessity of any proof of the vicious propensity of such dogs (26 & 27 Vict. c. 100).

The defence of the country has not been overlooked, for, in addition to the annual acts having that object, the law relating to the royal naval coast volunteers has been amended (26 & 27 Vict. c. 5); the acts relating to

the volunteer force has been consolidated and amended (26 & 27 Vict. c. 65); and an act has been passed for providing a further sum towards defraying the expenses of constructing fortifications for the protection of the royal arsenals and dockyards, and the ports of Dover and Portland, and of creating a central arsenal (26 & 27 Vict. c. 80).

As regards *international law*, with a view to the suppression of the *slave trade*, the Government entered into an important treaty with the United States of America, by which the contracting parties agree to a reciprocal *right of search and detention* within certain limits; and an act was accordingly passed last session to give effect to this treaty (26 & 27 Vict. c. 34).

This outline of the legislation of last session shows that the labours of Parliament were both varied and useful, and such as ought to be satisfactory to the country.

### VULGAR LEGAL ERRORS.

WE take the following from the Upper Canada Law Journal for September, 1863:—

"In 1838 the vulgar error that an innkeeper might detain the person of his guest until payment of his bill, was exploded by the case of *Sunbolf v. Alford* (3 M. & W. 248).

"In England it is a vulgar error, that a surgeon or butcher, from the barbarity of their business, may be challenged as jurors. By a statute of the 5th Hen. 8, surgeons are exempted from attendance upon juries. Perhaps this exemption is the foundation of the error. An instance of this error may be found in a note to Rousseau's '*Emile*,' p. 137. Rousseau had in that work adduced it as evidence of the humanity of the English laws, that butchers are not received as witnesses in matters of life and death; but, in a note to the later editions, he adds, that the English translators of his work had corrected his mistake, and had mentioned the cause of it, viz. that butchers were not admitted as jurors in criminal cases!—*Retrospective Review*, vol. ix, p. 262.

"There seems to have been, for a long time, a vulgar error, in supposing that a creditor has the power of preventing the burial of a corpse by arresting the body for debt. Such a proceeding is not only revolting to the feelings of humanity, but is contrary to every principle of law; so much so, indeed, that any promise extorted by fear of it from any one of the surviving relatives, is considered wholly invalid. For in the forcible language of Lord Ellenborough, C. J., 'It might as well be said that a promise, in consideration that one would withdraw a pistol from another's breast, could be enforced against the party acting under such unlawful terror.'—(*Jones v. Ashburnham*, 4 East, 465).

"A prosecution at common law, for this offence, was sustained in the Supreme Judicial Court of Massachusetts, before Chief Justice Parsons, at Nisi Prius, in which there was a conviction, and the parties punished by a fine. (*Commonwealth v. Snow*, in the County of Barnstable, cited in D. Davis's Justice (Heard's ed.), p. 712). The body of a man was arrested by a civil process on its way to the burying place, the party proceeding on a mistaken notion that he was entitled to the body of his debtor after death. By the General Statutes of Massachusetts it is enacted, that 'if a sheriff, deputy sheriff, coroner, or constable takes the body of any deceased in person on mesne process or execution, he shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the gaol not exceeding six months.'—Gen. Stats. c. 165, s. 36.

"The following account of the outrage upon Sheridan's remains will be read with interest (Sheridaniana, p. 244):—

"The remains of Sheridan were removed from Seville-row, to the residence of his kinsman in Great George-street, Westminster. There they lay in state, to indulge the longing grief of the few friends who clung to his bleak and shattered fortunes. On the forenoon of the day fixed for their interment, a gentleman dressed in deep mourning entered the house, and requested of the attendant, who watched in the chamber of death, to allow him a last look of his departed friend. He professed to have known the deceased early in life, and to have undertaken a long journey in order to seize a parting glance of his pale features. The agony and earnestness with which the application was urged, lulled the suspicions of the serving-man—if any had arisen in his mind—and, after a slight hesitation, it was assented to. The lid of the coffin was removed, the body was unshrouded, and the death-chilled frame revealed to view. The gentleman gazed for some minutes upon it, and then fumbling in his waistcoat pocket, produced a bailiff's "wand," with which he touched the face, and instantly declared, to the horror and alarm of the servant, that he had arrested the corpse in the King's name for a debt of 600*l*. Before the requisite explanations had been gone through, the funeral group had assembled. The circumstance was instantly made known to Mr. Canning, who took Lord Sidmouth aside, and begged his advice and assistance. Lest the delay might mar the progress of the sorrowful train, they generously agreed to discharge the debt, and two cheques for 250*l*. each were given over to the bailiff, and accepted by him. Without their timely interference, the procession might have been detained for some hours; and, even in spite of their prompt sympathy and kindness, the multitudes who had congregated in the palace yard could not help murmuring when the stated hour was allowed to elapse so long without any apparent reason."

"In Barrington's '*Observations on the more Ancient Statutes*,' p. 474, there is the following amusing enumeration of vulgar legal errors:—

"It is difficult," says that very learned judge, 'to account for many of the prevailing vulgar errors with regard to what is supposed to be law. Such are, that the body of a debtor may be taken in execution after his death; which, however, was practised in Prussia before this present king abolished it by the Code Fréderique. Other vulgar errors are, that the old statutes have prohibited the planting of vineyards, or the use of sawing-mills; which last notion I should conceive to have been occasioned by 5 & 6 Edw. 6, c. 22, forbidding what are called "gig-mills," as they were supposed to be prejudicial to the woollen manufacture. There is likewise an act of 23 Eliz. c. 5, which prohibits any iron-mills within two-and-twenty miles of London, to prevent the increasing dearth of wood for fuel. As for sawing-mills, I cannot find any statute which relates to them; they are, however, established in Scotland, to the very great advantage both of the proprietors and the country.'

"It is supposed, likewise, to be penal to open a coal-mine, or to kill a crow, within five miles of London; as also to shoot with a wind-gun, or to carry a dark-lantern. The first of these I take to arise from a statute of Henry VII, prohibiting the use of a cross-bow, and the other from *Guy Fawkes's dark-lantern* in the powder-plot. To these vulgar errors may be added, the supposing that the king signs the death-warrant (as it is called) for the execution of a criminal; as also, that there is a statute which obliges the owners of asses to crop their ears, lest the length of

them should frighten the horses which they meet on the road.

"To these vulgar errors may be perhaps added the notion, that a woman's marrying a man under the gallows will save him from the execution. This probably arose from a wife having brought an appeal against the murderer of her husband, who, afterwards, repenting the prosecution of her lover, not only forgave the offence, but was willing to marry the appellee. It is also a very prevailing error, that those who are born at sea belong to Stepney parish. I may likewise add to these, that any one may be put into the *Crown Office*, for no cause whatsoever, or the most trifling injury. An ingenious correspondent suggests two additional vulgar errors—"When a man designs to marry a woman who is in debt, if he take her from the hands of the priest clothed only in her shift, it is supposed that he will not be liable to her engagements." The second is—"that there was no land-tax before the reign of William III."

"A writer in *The Retrospective Review* (vol. ix, p. 263) has collected the following list of vulgar errors:—That if a criminal has hung an hour and survives, he cannot afterwards be executed; that a funeral passing over any place makes a public highway; that a husband has the power of divorcing his wife, by selling her in open market with a halter round her neck; that second cousins may not marry, though first cousins may; that it is necessary, in some species of legal process against the king, to go through the fiction of arresting him, which is done by placing a ribbon across the road as if to impede his carriage; that the lord of a manor may shoot over all the lands within his manor; that pounds of butter may be of any number of ounces; that bull beef shall not be sold unless the bull has been baited previously to being killed; that leases are made for the term of 999 years, because a lease of 1000 years would create a freehold; that deeds executed on Sunday are void; that in order to disinherit an heir-at-law, it is necessary to give him a shilling by the will, for that otherwise he would be entitled to the whole property."

The Queen has been pleased to direct letters-patent to be passed under the Great Seal of the United Kingdom, giving and granting the office of one of the Barons of her Majesty's Court of Exchequer to Gillery Pigott, Serjeant-at-Law. Also, for constituting and appointing Sir Roundell Palmer, Knt., to be her Majesty's Attorney-General in all her Majesty's Courts of Record in England; and Robert Parrett Collier, Esq., her Majesty's Solicitor-General.

**SPELLEN, JOHN NATHANIEL**, St. Augustin-road, Camden-square, reporter to the public press, Oct. 16. *Off. Ass. Stansfeld*; *Sols. Lewis & Co.*, 10, Ely-place, Holborn.—*Pet. f. Oct. 3.*

**TOLLEMACHE, REV. RALPH WILLIAM LIONEL**, Gothic-cottage, Hammersmith, clerk, Oct. 16. *Off. Ass. Stansfeld*; *Sols. Poncione & Co.*, 5, Raymond-buildings, Gray's-inn.—*Pet. f. Oct. 1.*

**VON OLDEKOP, THAMER LOUISE**, Cambridge-house, Upper Tulse-hill, authoress, Oct. 16. *Off. Ass. Stansfeld*; *Sols. Walls*, 47, Moorgate-street.—*Pet. f. Oct. 3.*

#### To be heard in the Country.

**ANDREWS, ASA**, Bristol, shoemaker, Oct. 30, Bristol. *Off. Ass. Harley*; *Sol. Thompson*, Bristol.—*Pet. f. Sept. 30.*

**BATCHELDER, JAMES**, Norwich, panorama proprietor, Oct. 19, Norwich. *Off. Ass. Palmer*; *Sol. Chittace*, Norwich.—*Pet. f. Sept. 30.*

**BEDWELL, GEORGE THOMAS**, Middle Deal, Kent, market gardener, Oct. 19, Deal. *Off. Ass. Hall*; *Sol. Drew*, Deal.—*Pet. f. Oct. 1.*

**BLISS, CHARLES**, Hereford, grocer, Oct. 30, Hereford. *Off. Ass. Reynolds*; *Sol. Averill*, Hereford.—*Pet. f. Oct. 3.*

**BRATT, JOHN**, Dewsbury, Yorkshire, boiler-maker, Nov. 6, Dewsbury. *Off. Ass. Nelson*; *Sols. Scholes & Co.*, Dewsbury.—*Pet. f. Oct. 2.*

**CATCHPOLE, ROBERT**, Hazeleton, Norfolk, watchmaker, Oct. 23, Hazeleton. *Off. Ass. Fox*; *Sol. Walpole*, Northwold.—*Pet. f. Oct. 2.*

**CHARTER, CHARLES ARCHIBALD**, Perth, Hampshire, assistant photographer, Oct. 17, Portsmouth. *Off. Ass. the registrar*; *Sols. Palford*, Portsmouth.—*Pet. f. Oct. 2.*

**CLARK, JOHN**, King's Lynn, Norfolk, gunsmith, Oct. 22, King's Lynn. *Off. Ass. Wilson*; *Sol. Beloe*, King's Lynn.—*Pet. f. Oct. 2.*

**CROPPER, SAMUEL**, Heywood, Lancashire, auctioneer, Oct. 22, Bury. *Off. Ass. Grundy*; *Sol. Roberts*, Manchester.—*Pet. f. Oct. 2.*

**DARLEY, THOMAS**, Bromsgrove, Worcestershire, bootmaker, Oct. 22, Bromsgrove. *Off. Ass. Scott*; *Sol. Wilson*, Worcester.—*Pet. f. Sept. 22.*

**DE SILVIER, ELIAS CARPENTIER**, Torquay, Devonshire, professor of music, Oct. 16, Exeter. *Off. Ass. Hirstel*; *Sol. Hirstel*, Exeter.—*Pet. f. Oct. 3.*

**DOVALDSON, THOMAS**, Liverpool, tin-plate worker, Oct. 19, Liverpool. *Off. Ass. Morgan*; *Sol. Best*, Liverpool.—*Pet. f. Oct. 3.*

**EDWARDS, SIMON**, Liverpool, grocer, Oct. 19, Liverpool. *Off. Ass. Turner*; *Sols. Evans & Co.*, Liverpool.—*Pet. f. Sept. 26.*

**ELKINS, HENRY**, Aldershot, Southampton, baker, Oct. 21, Farnham. *Off. Ass. Hollett*; *Sol. White*, Guildford.—*Pet. f. Oct. 2.*

**GILL, JONATHAN**, Bradford, Yorkshire, draper, Oct. 29, Leeds. *Off. Ass. Young*; *Sols. Terry & Co.*, Bradford; *Bond & Co.*, Leeds.—*Pet. f. Oct. 6.*

**GRIFFITHS, ELIZABETH**, and **GRIFFITHS, MARY**, Pembroke Dock, Pembroke-shire, green-grocers, Oct. 19, Pembroke. *Off. Ass. Lanning*; *Sol. Parry*, Pembroke Dock.—*Pet. f. Oct. 1.*

**HARRISON, HENRY**, Birmingham, engraver, Oct. 26, Birmingham. *Off. Ass. Guest*; *Sol. Duke*, Birmingham.—*Pet. f. Oct. 2.*

**HARVEY, HENRY MARTIN**, Trencham, Staffordshire, commission agent, Oct. 21, Birmingham. *Off. Ass. Kinners*; *Sols. Clarke & Co.*, Long-ton; *James & Co.*, Birmingham.—*Pet. f. Oct. 1.*

**HAY, JOHN**, Bishop Auckland, Durham, innkeeper, Oct. 23, Bishop Auckland. *Off. Ass. Trotter*; *Sol. Horner*, Bishop Auckland.—*Pet. f. Sept. 30.*

**HORN HENRY**, Worcester, cabinetmaker, Oct. 20, Worcester. *Off. Ass. Hill*; *Sol. Corles*, Worcester.—*Pet. f. Sept. 23.*

**HUGHES, EDWARD**, Chelmsford, Essex, corn dealer, Oct. 14, Chelmsford. *Off. Ass. Gepp*; *Sol. Duffell*, Chelmsford.—*Pet. f. Oct. 1.*

**JONES, ABRAHAM**, Rhylfelin, near Machynlleth, Montgomeryshire, grocer, Oct. 16, Liverpool. *Off. Ass. Turner*; *Sols. Evans & Co.*, Liverpool.—*Pet. f. Oct. 1.*

**JONES, LEWIS**, Kingwinford, Staffordshire, blacksmith, Oct. 26, Stourbridge. *Off. Ass. Harward*; *Sol. Collis*, Stourbridge.—*Pet. f. Oct. 1.*

**LEVI, JOHN**, Oldswinford, Staffordshire, wharfinger, Oct. 26, Stourbridge. *Off. Ass. Harward*.—*Pet. f. Sept. 23.*

**LISTER, WILLIAM**, Leeds, cotton dealer, Oct. 16, Leeds. *Off. Ass. Sangster*; *Sol. Pullan*, Leeds.—*Pet. f. Oct. 1.*

**LYN, JOHN**, Great Bolton, Lancashire, spindle maker, Oct. 17, Bolton. *Off. Ass. Holden*; *Sol. Edge*, Bolton.—*Pet. f. Oct. 1.*

**M'CARBON, MICHAEL**, Liverpool, contractor, Oct. 19, Liverpool. *Off. Ass. Hime*; *Sols. Evans & Co.*, Liverpool.—*Adj. Aug. 17.*

**PHILLIPS, RICHARD**, Stoke, Devonshire, builder, Oct. 21, Plymouth. *Off. Ass. Hirstel*; *Sols. Beer & Co.*, Devonport; *Hartnoll*, Exeter.—*Pet. f. Oct. 1.*

**PRESTON, CALDER**, Tunstall, Staffordshire, confectioner, Oct. 17, Hanley. *Off. Ass. Challinor*; *Sol. Harding*, Tunstall.—*Pet. f. Oct. 3.*

**RADCLIFFE, SAMUEL**, Huddersfield, Yorkshire, tea dealer, Oct. 19, Huddersfield. *Off. Ass. Jones*; *Sol. Bottomley*, Huddersfield.—*Pet. f. Sept. 23.*

**ROBINS, JOHN**, Oldswinford, Worcestershire, builder, Oct. 26, Stourbridge. *Off. Ass. Harward*; *Sol. Malby*, Stourbridge.—*Pet. f. Oct. 2.*

**ROWLANDS, RICHARD**, Abercrag, near Machynlleth, Montgomeryshire, Samuel manufacturer, Oct. 20, Liverpool. *Off. Ass. Morgan*; *Sol. Morris*, Liverpool.—*Pet. f. Oct. 5.*

**ROWLANDS, RICHARD**, Cas du, near Machynlleth, Montgomeryshire, out of business, Oct. 19, Liverpool. *Off. Ass. Turner*; *Sol. Morris*, Liverpool.—*Pet. f. Oct. 3.*

**SHAW, ALEXANDER**, Bromsgrove, Worcestershire, huckster, Oct. 22, Bromsgrove. *Off. Ass. Scott*; *Sol. Bentley*, Worcester.—*Pet. f. Sept. 30.*

**SHEXTON, WILLIAM**, Longton, Staffordshire, joiner, Oct. 17, Stoke-upon-Trent and Longton. *Off. Ass. Keary*; *Sol. Young*, Longton.—*Pet. f. Oct. 1.*

**SMART, HENRY**, Bristol, beer retailer, Oct. 30, Bristol. *Off. Ass. Harley*; *Sol. Hill*.—*Pet. f. Sept. 29.*

**THOMAS, WILLIAM LYNNAL**, Hove, Sussex, engineer, Oct. 24, Lewes. *Off. Ass. Blaker*; *Sol. Goodman*, Brighton.—*Pet. f. Sept. 17.*

**THOMPSON, JOHN**, Barnsley, Yorkshire, photographic artist, Oct. 20, Barnsley. *Off. Ass. Shepherd*; *Sol. Rogers*, Barnsley.—*Pet. f. Sept. 30.*

**UNSWORTH, EDWARD**, Warrington, Lancashire, corn dealer, Oct. 18, Warrington. *Off. Ass. Nicholson*; *Sol. Moore*, Warrington.—*Pet. f. Sept. 30.*

**YARBY, JOSEPH**, Wigan, Lancashire, builder, Oct. 27, Manchester. *Off. Ass. Pott*; *Sol. Darlington*, Wigan.—*Pet. f. Oct. 2.*

**WATERWORTH, RICHARD**, Sherburn, near Tadcaster, Yorkshire, potato dealer, Oct. 19, Tadcaster. *Off. Ass. Bickers*; *Sol. Harle*, Leeds.—*Pet. f. Sept. 30.*

**WIGLEY, LEWIS**, Ripley, Derbyshire, grocer, Oct. 21, Alfreton. *Off. Ass. Hubberty*; *Sol. Jessop*, Alfreton.—*Pet. f. Oct. 1.*

**WILDE, ELI**, Manchester, druggist, Oct. 16, Manchester. *Off. Ass. Hornaman*; *Sol. Eltoft*, Manchester.—*Pet. f. Sept. 28.*

**WILLIAMS, EVAN THOMAS**, Birmingham, practical brewer, Oct. 26, Birmingham. *Off. Ass. Guest*; *Sol. Palmer*, Rugeley.—*Pet. f. Oct. 2.*

**WILLIAMS, WILLIAM PHILLIPS**, Haverfordwest, clerk to a newspaper proprietor, Oct. 16, Bristol. *Off. Ass. Miller*; *Sols. Nalder & Co.*, Bristol.—*Pet. f. Oct. 1.*

**WOODWARD, WILLIAM**, Middlesbrough, Yorkshire, carter, Oct. 13, Stockton-on-Tees. *Off. Ass. Crosby*; *Sol. Trotter*, Stockton-on-Tees.—*Pet. f. Sept. 28.*

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# The Jurist

No. 458, NEW SERIES.—Vol. IX.  
No. 1897, OLD SERIES.—Vol. XXVII.

OCTOBER 17, 1863.

PRICE 1s.

## JURISPRUDENCE.

### UNIVERSITY COLLEGE, LONDON.—

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October, 13, 1863.

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fessor of English Law, JOHN A. RUSSELL, LL.B., Barrister at Law, will LECTURE, during the months of November, December, and January, on TUESDAY EVENINGS, at 7.15 o'clock, commencing on Tuesday, the 10th November.

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FRANK EASUM, Secretary.



## GAZETTES.—FRIDAY, Oct. 9.

## BANKRUPTS.

*To be heard in London.*

ARKLE, JOHN WILLIAM, Bell-alley, Goswell-street, out of business, Oct. 21. *Off. Ass. Graham; Sol. Gole & Co., 49, Lane-street.*—*Pet. f. Oct. 5.*

BIOWELL, ALLEN ARCHER, Croydon, out of business, Oct. 21. *Off. Ass. Graham; Sol. Bergon, 23, St. Martin's-lane, Cannon-street.*—*Pet. f. Oct. 5.*

BLYDE, GEORGE, Lebanon-place, Walworth-common, whiting merchant, Oct. 21. *Off. Ass. Graham; Sol. Wright, 123, Chancery-lane.*—*See f. Oct. 5.*

CADWELL, DAVID, Queen's-road, Walworth, farrier, Oct. 22. *Off. Ass. Stanfield; Sol. Buchanan, 13, Basinghall-street.*—*Pet. f. Oct. 6.*

DAISE, JOHN, Isle of Wight, grocer, Oct. 22. *Off. Ass. Stanfield; Sol. Harrison & Co., 24, Old Jewry.*—*Pet. f. Oct. 5.*

FORDHAM, GEORGE, College-place, King's-road, Chelsea, carpenter, Oct. 21. *Off. Ass. Graham; Sol. Hill, 10, Basinghall-street.*—*Pet. f. Oct. 8.*

FORSTER, CHARLES JOHN JULIUS, Great Tower-street, City, and Portland-place North, Clapham, commission agent, Oct. 21. *Off. Ass. Cannon; Sol. Sampson & Co., 31, New Broad-street.*—*Pet. f. Sept. 12.*

GIBBINS, WILLIAM, Raglan-place, Kentish-town, painter, Oct. 22. *Off. Ass. Stanfield; Sol. Ablett, 6, Newcastle-street, Strand.*—*Pet. f. Oct. 5.*

HALL, SIDNEY, Herbert-street, New North-road, watchmaker, Oct. 22. *Off. Ass. Stanfield; Sol. Wells, 47, Moorgate-street.*—*Pet. f. Oct. 7.*

HARRIS, ALFRED, Landseer-road, Upper Holloway, commission agent, Oct. 21. *Off. Ass. Graham; Sol. Ablett, 6, Newcastle-street, Strand.*—*Pet. f. Oct. 3.*

HART, CHARLES, Murray-street, New North-road, tobacco dealer, Oct. 22. *Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Oct. 5.*

HAYDON, CHARLES, Alpha-terrace, Kilburn, eating-house keeper, Oct. 21. *Off. Ass. Graham; Sol. Field, 40, Ely-place, Holborn.*—*Pet. f. Oct. 6.*

HODGSON, SAMUEL HAYGARTH, Chichester-road, Kilburn, shorthand writer, Oct. 22. *Off. Ass. Stanfield; Sol. Norton, 10, Clifford's-inn.*—*Pet. f. Oct. 7.*

JOYCE, WALTER, Oxford-street, mantle manufacturer, Oct. 22. *Off. Ass. Stanfield; Sol. Beard, 10, Basinghall-street.*—*Pet. f. Oct. 7.*

LUNDGREN, JOHN, America-square, City, manager to a merchant, Oct. 20. *Off. Ass. Stanfield; Sol. Heathfield, 19, Lincoln's-inn-fields.*—*Pet. f. Oct. 6.*

NASH, EDWARD BEAN, Sutherland-terrace, Walworth, and King William-street, City, tailor, Oct. 22. *Off. Ass. Stanfield; Sol. Marshall & Co., 12, Hatton-garden.*—*Pet. f. Oct. 6.*

PARRY, WILLIAM JOHN, Vine-street, John-street, Minories, and Spread Eagle-yard, George-yard, Whitechapel, carman, Oct. 21. *Off. Ass. Graham; Sol. Hill, 10, Basinghall-street.*—*Pet. f. Oct. 1.*

PERROTT, JAMES WARREN, Southampton-street, Pentonville, out of business, Oct. 21. *Off. Ass. Graham; Sol. Snow, 4, New Basinghall-street.*—*Pet. f. Oct. 3.*

PHILLIPS, HENRY, Norfolk-street, Strand, master mariner, Oct. 22. *Off. Ass. Stanfield; Sol. Harrison & Co., 24, Old Jewry-chambers.*—*Pet. f. Oct. 7.*

PINNELL, CHARLES JAMES, Baring-street, and Fulford-cottages, Whitmore-road, Hoxton, chair maker, Oct. 21. *Off. Ass. Graham; Sol. Medcalf, 9, Tokenhouse-yard.*—*Pet. f. Oct. 6.*

SIMMONDS, MARGARET, Eaton-terrace, Wells-street, South Hackney, monthly nurse, Oct. 22. *Off. Ass. Stanfield; Sol. Heathfield, 19, Lincoln's-inn-fields.*—*Pet. f. Oct. 6.*

STANTON, JAMES SHEPHERD SMITH, May-cottage, Elizabeth-street, Hackney-road, out of business, Oct. 21. *Off. Ass. Graham; Sol. Fisher, 7, Earl-street, Blackfriars.*—*Pet. f. Oct. 7.*

WING, CHARLES, Marlborough-road, Chelsea, out of business, Oct. 21. *Off. Ass. Graham; Sol. Shiers, 5, New-inn, Strand.*—*Pet. f. Oct. 6.*

*To be heard in the Country.*

ALLEN, JAMES, Tipton, and Deepfields, near Bilston, Staffordshire, saddler, Oct. 23, Birmingham. *Off. Ass. Whitmore; Sol. Round, Tipton; James & Co., Birmingham.*—*Pet. f. Oct. 7.*

APPLEYARD, SAMUEL, and PARKIN, EDWARD, Leeds, carriers, Oct. 22, Leeds. *Off. Ass. Young; Sol. Simpson, Leeds.*—*Pet. f. Oct. 8.*

ASKW, JOSEPH, Crawleyside, near Stanhope, Durham, licensed victualler, Oct. 22, Wolsingham. *Off. Ass. Bates; Sol. Hutchinson, Stanhope.*—*Pet. f. Oct. 1.*

BARRACLOUGH, JAMES, Openshaw, Lancashire, ironfounder, Oct. 23, Manchester. *Off. Ass. Pott; Sol. Leigh, Manchester.*—*Pet. f. Sept. 30.*

BARNETT, WILLIAM, Hardwick-near North Runcton, Norfolk, market gardener, Oct. 30, King's Lynn. *Off. Ass. Wilson; Sol. Ward, King's Lynn.*—*Pet. f. Oct. 7.*

BASKERVILLE, PERERA, Burnley, and BASKERVILLE, GEORGE, Etmoria, Staffordshire, flint grinders, Oct. 21, Birmingham. *Off. Ass. Kinneer; Sol. Mason, 15, Farnall's-inn; Rawlins & Co., Birmingham.*—*Pet. f. Sept. 23.*

BIRD, DANIEL, Worcester, leather seller, Oct. 21, Birmingham. *Off. Ass. Kinneer; Sol. Wright, Birmingham.*—*Pet. f. Oct. 6.*

BRANT, THOMAS, Aston, Warwickshire, out of business, Oct. 21, Birmingham. *Off. Ass. Kinneer; Sol. James & Co., Birmingham.*—*Pet. f. Oct. 1.*

BRIGHTMAN, JOSEPH, Upper Gravenhurst, Bedfordshire, market gardener, Oct. 23, Amphyll. *Off. Ass. Wright; Sol. Stimson, Bedford.*—*Pet. f. Oct. 5.*

BRITAIN, HENRY, Wolverhampton, Staffordshire, grocer, Oct. 27, Wolverhampton. *Off. Ass. Brown; Sol. Walker, Wolverhampton.*

COWLING, MAJOR, Harrogate, Yorkshire, mason, Oct. 21, Knarborough. *Off. Ass. Gill; Sol. Harle, Leeds.*—*Pet. f. Oct. 7.*

CRADDOCK, JOHN, Kempsey, Worcestershire, miller, Oct. 20, Worcester. *Off. Ass. Hill; Sol. Mason, Worcester.*—*Pet. f. Sept. 30.*

CURTIS, RICHARD, Lincoln, Joiner, Oct. 19, Lincoln. *Off. Ass. Uppley; Sol. Brown & Co., Lincoln.*—*Pet. f. Oct. 5.*

FENCE, FRANCIS JAMES, Portsea, Hampshire, tutor, Oct. 31, Portsmouth. *Off. Ass. the registrar; Sol. Paffard, Portsea.*—*Pet. f. Oct. 6.*

FERRISON, HENRY, Birmingham, engraver, Oct. 26, Birmingham. *Off. Ass. Guest; Sol. Dukes Birmingham.*—*Pet. f. Oct. 2.*

HARRALD, WILLIAM, Hetham, Norwich, wholesale milliner, Oct. 22, Norwich. *Off. Ass. Palmer; Sol. Sudd, Norwich.*—*Pet. f. Oct. 6.*

HAYDON, HENRY, Liverpool, out of business, Oct. 19, Liverpool. *Off. Ass. Hime; Sol. Grundy, Manchester.*—*Pet. f. Oct. 5.*

HOBBS, GEORGE, Gateshead, Durham, and Newcastle-upon-Tyne, commission agent, Oct. 20, Gateshead. *Off. Ass. Ingleside; Sol. Scalfs & Co., Newcastle-upon-Tyne.*—*Pet. f. Aug. 22.*

KETTLE, JONATHAN, Derby, miller, Oct. 22, Derby. *Off. Ass. Weller; Sol. Leech, Derby.*—*Pet. f. Sept. 18.*

KNOWLES, JAMES, Salford, Lancashire, innkeeper, Oct. 24, Salford. *Off. Ass. Hulton; Sol. Nuttall, Manchester.*—*Pet. f. Oct. 5.*

LEERY, WILLIAM, Aston, near Birmingham, artist, Oct. 20, Birmingham. *Off. Ass. Guest; Sol. Ladbury, Birmingham.*—*Pet. f. Oct. 6.*

MARTON, JOHN, Wolverhampton, Staffordshire, butcher, Oct. 27, Wolverhampton. *Off. Ass. Brown; Sol. Langman, Wolverhampton.*

MEESEY, RICHARD, Cardiff, Glamorganshire, cowkeeper, Oct. 20, Cardiff. *Off. Ass. Langley; Sol. Goodere, Cardiff.*—*Pet. f. Oct. 6.*

MEDLAND, HENRY, Morstonhamstead and Barnstable, Devonshire, tailor, Oct. 23, Exeter. *Off. Ass. Hirtzel; Sol. Fryer, Exeter.*—*Pet. f. Sept. 29.*

MEREDON, HERMAN, Liverpool, licensed victualler, Oct. 20, Liverpool. *Off. Ass. Hime; Sol. Henry, Liverpool.*—*Pet. f. Oct. 7.*

MOORE, JOHN, Pocklington, Yorkshire, draper, Oct. 23, Leeds. *Off. Ass. Young; Sol. Bell, Pocklington; Bond & Co., Leeds.*—*Pet. f. Oct. 7.*

NELSON, ROBERT, Harrogate, Yorkshire, lodging-house keeper, Oct. 21, Knarborough. *Off. Ass. Gill; Sol. Harle, Leeds.*—*Pet. f. Oct. 1.*

NEWBOME, SAMUEL, Coventry, Warwickshire, haberdasher, Oct. 22, Coventry. *Off. Ass. Kirby; Sol. Griffin, Coventry.*—*Pet. f. Oct. 2.*

PARKER, JOHN, Heanor, Derbyshire, colliery agent, Oct. 22, Belper. *Off. Ass. Ingle; Sol. Jessop, Ilkeston.*—*Pet. f. Sept. 21.*

PATNE, WILLIAM PERCY, Tonbridge, Kent, in no business, Oct. 22, Tonbridge. *Off. Ass. Alleyne; Sol. Stanning, Tonbridge.*—*Pet. f. Oct. 6.*

PHILLIPS, MORGAN, Bridgend, Glamorganshire, maltster, Oct. 23, Bristol. *Off. Ass. Miller; Sol. Popkin, Bridgend; Abbot & Co., Bristol.*—*Pet. f. Oct. 6.*

PHILLIPS, ROBERT, Shrewsbury, Shropshire, photographer, Nov. 9, Shrewsbury. *Off. Ass. Peels; Sol. Clarke, Shrewsbury.*—*Pet. f. Oct. 5.*

RISO, MICHAEL CONSTANTINE, Manchester, merchant, Oct. 19, Manchester. *Off. Ass. Herniman; Sol. Sale & Co., Manchester.*—*Pet. f. Oct. 6.*

ROBES, AUGUSTUS LOUIS, Birmingham, ivory worker, Oct. 23, Birmingham. *Off. Ass. Whitmore; Sol. East, Birmingham.*—*Pet. f. Oct. 5.*

STATHARD, JOHN, Barrow, Lincolnshire, licensed victualler, Oct. 20, Barton-upon-Umber. *Off. Ass. Brown; Sol. Chester, Hull.*—*Pet. f. Oct. 7.*

TAYLOR, THOMAS, Newcastle-under-Lyme, Staffordshire, coach builder, Oct. 22, Newcastle-under-Lyme. *Off. Ass. Slansy; Sol. Litchfield, Newcastle-under-Lyme.*—*Pet. f. Oct. 7.*

TEMPER, JAMES, Bradford, Yorkshire, woollapster, Oct. 22, Leeds. *Off. Ass. Young; Sol. Watson, Bradford; Bond & Co., Leeds.*—*Pet. f. Oct. 6.*

THOMPSON, JAMES, Portsea, Hampshire, sail maker in her Majesty's Dockyard, Oct. 21, Portsmouth. *Off. Ass. the registrar; Sol. Paffard, Portsea.*—*Pet. f. Oct. 5.*

TOTTERDELL, THOMAS JENNINGS, Wellington, Somersetshire, out of business, Oct. 17, Wellington. *Off. Ass. Burridge; Sol. Rodham, Wellington.*—*Pet. f. Oct. 1.*

WALL, WILLIAM, West Bromwich, Staffordshire, labourer, Oct. 26, West Bromwich. *Off. Ass. Watson.*—*Pet. f. Sept. 14.*

WILKINSON, WILLIAM, Bradford, Yorkshire, haircutter, Oct. 19, Bradford. *Off. Ass. Robinson; Sol. Dawson, Bradford.*—*Pet. f. Oct. 2.*

WILLIAMS, EVAN THOMAS, Birmingham, practical brewer, Oct. 26, Birmingham. *Off. Ass. Guest; Sol. Palmer, Ragsley.*—*Pet. f. Oct. 2.*

WOODS, GEORGE JOHN, Norwich, carrier, Oct. 22, Norwich. *Off. Ass. Palmer; Sol. Sudd, Norwich.*—*Pet. f. Oct. 6.*

## TUESDAY, Oct. 13.

## BANKRUPTS.

*To be heard in London.*

ARCHER, ANDREW, High Easter, Essex, tailor, Oct. 23. *Off. Ass. Graham; Sol. Hillsey & Co., 5, Fenchurch-building.*—*Pet. f. Oct. 10.*

BAILEY, ROBERT HARRIS, Portland-place, Cambridge-road, tailor, Oct. 22. *Off. Ass. Graham; Sol. Buchanan, 13, Basinghall-street.*—*Pet. f. Oct. 10.*

BENNETT, THOMAS BENTONSON, Broad-street, Golden-square, St. James's, plumber, Oct. 23. *Off. Ass. Stanfield; Sol. Ablett, 6, Newcastle-street, Strand.*—*Pet. f. Oct. 12.*

BURNS, WILLIAM, Woodbridge, Suffolk, miller, Oct. 23. *Off. Ass. Stanfield; Sol. Pollard, Ipswich; Shireff & Co., 9, Fenchurch-street.*—*Pet. f. Oct. 10.*

[For continuation of Gazette, see p. 366, col. 2.]

## CONTENTS.

London Gazettes.....	362
Leading Article .....	363
Review .....	364
Death of Lord Lyndhurst .....	365
Case Law Revision .....	365
Books Received .....	366
Statutes passed during the late Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

Christopher Tatham and Robert Dawson M'Minn, Assignees of Charles Hargraves Ledward, Appa, Archibald Stephen, Andree and Luke Philip Christoffelsz, Resps.—(Civil law—Roman-Dutch law—Insolvency—Pledge—Possession—Chat- tels—Lien) .....	1019
--	------

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Wells v. Maxwell.—(Vendor and purchaser—No- tice—Time) .....	1021
---	------

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Bagot v. Bagot.—Legge v. Legge.—(Waste—Te- nant for life and remainderman) .....	1022
---	------

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Tuckness v. Alexander.—(Ancient parochial cha- pelry—Orders in Council—District chapelries— New parishes—Banns—Marriages—Fees—Li- cense—Church Building Acts) .....	1026
--	------

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Croft v. Graham.—(Securities obtained for monies lent at high rates of interest—Settled account, document purporting to be—Accounts ordered to be taken, with interest at 5l. per cent.—Bill dis- counting for young men at college) .....	1032
--	------

## COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

Jardine and Others v. Leathley.—(Ship—Marine insurance—Deposit of policy as security for ad- vances—Notice of abandonment, by whom to be given) .....	1035
Sutcliffe v. Booth and Others.—(Artificial water- course—Right of riparian proprietor) .....	1037
The Overseers of the Township of Preston, Appa., The Overseers of the Township of Blackburn, Resps.—(Pauper—Irremovability by residence —9 & 10 Vict. c. 66, s. 1, and 24 & 25 Vict. c. 55, s. 1) .....	1039

## EXCHEQUER CHAMBER.

By H. RUTHERFURD, Barrister at Law.

Blades v. Higgs.—(Game, property in, when killed on land of owner) .....	1040
---	------

## COURT OF COMMON PLEAS.

By E. BULLOCK, Barrister at Law.

Howell v. Wynne.—(Practice—Paper books, deli- very of—Place of delivery—Judge's chambers) .	1041
Howell v. Wynne.—(Conviction—Mines—Discipline in—Special rules—Charter master—Bankman —Principal—Accessory) .....	1041

## THE JURIST.

LONDON, OCTOBER 17, 1863.

SINGULAR questions sometimes arise upon the liability of the owners of animals for injuries done by them, and the reasons given by the judges for their decisions in these cases are often still more singular, and savour more of sophistry than common sense.

With regard to wild animals, such as lions or bears, the owner is liable to any injury done by them while in his keeping, without any proof of their ferocity, because he must be taken to have known it. (*Rex v. Huggins*, 2 Ld. Raym. 1583).

According to the Roman law, if a wild beast escaped, the person who kept him would not be liable for any damage he might do after his escape, because such person had ceased to be the owner. "Si ursus fugit et sic nocuit, non potest quondam dominus conveniri: quia desinit dominus esse, ubi fera evasit." (Dig., lib. 9, tit. 1, s. 10). By the English law, however, according to Lord Hale, the owner of such wild beast would be liable for any injury done by it, "as was adjudged in *Andrew Baker's case*, whose child was bit by a monkey that broke his chain, and got loose." (1 Hale's P. C. 430, part 1, c. 33).

There is, however, a marked distinction between wild beasts, and animals which are domesticated—mansuetæ naturæ. In the case of a dog, bull, ox, ram, and such like animals, if they do an injury to any one, the owner will not be answerable for it in an action for damages, unless it be shewn that he was aware of their vicious propensities. Thus, if a bull passing along a highway gores a man, the onus of

shewing that the owner knew the dangerous character of the animal lies on the injured party; and if he does not prove such knowledge, he will be unable to recover any damages. (*Hudson v. Roberts*, 6 Exch. 697). So, if a dog injures a man or sheep by biting them, the owner will not be liable, unless it be shewn that he knew the dog's propensity for biting. (*Mason v. Keeling*, 1 Ld. Raym. 606). Where, however, it is proved that the owner was aware of the savage disposition of the animal he kept, it cannot be objected, that it escaped and went at large without any default on the part of the owner, because he is bound to keep it secure at all events. (*May v. Burdett*, 9 Q. B. 113; *Smith v. Pelah*, 2 Str. 1264).

The law with regard to horses appears to be the same. In the recent case of *Cox v. Burbidge* (9 Jur., N. S., part 1, p. 970), a horse strayed on the high road, where he kicked a child who was lawfully upon the highway; it was held by the Court of Common Pleas, that even assuming the horse was a trespasser, no action would lie against the owner, even although the horse strayed through his negligence, unless it were proved that the horse was likely to commit such act. The principle upon which the judgment proceeds is, that the owner of the horse was liable only for such acts as a straying horse was likely to commit. Hence, the learned Chief Justice in giving judgment, says, "The owner of a horse is bound to know, and must in all cases be taken to know, that a horse is by nature likely to stray, if not carefully confined, and to walk into a pasture and consume the grass. For this, therefore, the owner is held liable." "But," adds his Lordship, "if a horse does an act, which it is not in the ordinary nature of a horse to do, and which no owner would, therefore,

without knowing his peculiarly vicious nature, have any reason to calculate on his doing, then he has the same protection as the owner of a dog. It is not in the ordinary course of the nature of a horse to kick a child, and, therefore, the owner is not liable, unless he is proved to be aware of the tendency of the horse to commit acts of that kind."

Now, we should have thought, before reading his Lordship's judgment, that the reason why the owner of a horse is liable for the damage occasioned by its consuming the grass of his neighbour, is, that such owner is liable for the acts of the horse by which he derives a benefit.

With respect to the point actually decided by the Court, we can readily conceive, that if the child had been a trespasser, and had gone into the field where the horse was kept, the owner ought not, according to previous decisions, to have been liable for the injury occasioned to the child. But we think that his Lordship goes rather too far when he assumes that a horse that strays on a public road is not likely to commit acts endangering the public safety.

The case does not appear materially to differ from *Lynch v. Nurdin* (1 Q. B. 29; 5 Jur. 797) and *Illidge v. Goodwin* (5 Car. & P. 190), in each of which cases the owner of a horse and cart, who negligently left them unattended in the street, was held liable for the injury done thereby. In those cases, indeed, negligence was proved; in the case now under discussion no such proof was given, but the learned judge in his judgment assumed it to be capable of proof, or proved. Now, if we assume that a horse and cart, left in a road negligently, are likely to be dangerous, and that therefore the owner is liable for the injury that may be occasioned by such cart and horse, why are we not to arrive at the same conclusion with regard to a horse unattached to a cart allowed negligently to stray upon a public road?

Whether the necessity of proving the mischievous propensity of domesticated animals, as a condition precedent to obtaining damages for acts done by them, proceeds upon a correct principle, may well be doubted. The proof in most cases is difficult, in some cases almost impossible, even where the owner may have been himself well aware of the vicious character of the animal.

Notwithstanding, therefore, the decisions upon this subject have laid down the distinction so clearly between the liability of the owner of wild and domesticated animals for any injury done by them, we think the rule would be much more just if in the case of all animals, without distinction as to their character, and without the necessity in the case of domesticated animals of any proof that their ferocity was known, that the owner should be liable for all injuries caused by their acts, provided that they were not occasioned by any fault on the part of the person injured.

Legislation seems to be tending this way; for, by an act of last session, the 26 & 27 Vict. c. 700 (which, however, extends to Scotland only), it is enacted, that in any action brought against the owner of a dog for damages, in consequence of injury done by such

dog to any sheep or cattle, it shall not be necessary for the pursuer to prove a previous propensity in such dog to injure sheep or cattle.

If this act is right in principle (and we conceive that it is so), there is no reason why it should be limited to dogs, or that its operation should be confined to Scotland.

Make the owner of all domesticated animals liable for the consequences of their vicious acts, without it being necessary to prove that he was aware of their propensity to commit them, and we shall soon find that the number of accidents caused by such animals will be considerably diminished; and when they do occur, the injured party will receive that compensation to which he is justly entitled.

### Rebibo.

*An Elementary View of the Proceedings in a Suit in Equity. With an Appendix of Forms.* By SYLVESTER JOSEPH HUNTER, B.A., of Lincoln's-inn, Barrister-at-Law. Second Edition. By GEORGE WOODFORD LAWRENCE, M.A., of Lincoln's-inn, Barrister-at-Law. [London: Butterworths.]

NOTHING is more discouraging to a student of the law than the endeavour to gain a clear notion of the proceedings of our courts of law or equity, by reading those books of practice which go into all the minute details of the pleadings and procedure incident to a suit in law or in equity. For instance, although Morgan's Chancery Acts and Orders and Sidney Smith's Chancery Practice are invaluable to practitioners in the Court of Chancery, yet if any student should attempt to read them with the object of gaining a knowledge of the procedure of our courts of equity, he would soon throw them down in disgust, or arise from their perusal more confused than enlightened. Mr. Hunter, in his elementary view of the proceedings in a suit in equity, has supplied what was palpably wanting, in order to give a student, on commencing his preparation for practice in the Court of Chancery, a short view of the nature of the business which will come before him in a solicitor's office, or in the chambers of an equity draftsman. When the student has mastered the very able outline of Chancery practice sketched out for him in Mr. Hunter's book, he will then be able, without being lost in multitudinous details, to master and profit by the other books of practice to which we have before alluded. The second edition of this work appears to have been very carefully prepared by Mr. Lawrence, who has altered some portions of it, so far as was necessary, for the purpose of including the recent changes in the law; and he has also much enhanced its value, by references to the statutes, decided cases, and the Consolidated Orders, in support of the text.

The Right Hon. Sir William Erie, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Edward Brydges Hardisty, Gent., of No. 43, Great Marlborough-street, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Middlesex, also in and for the city and liberties of Westminster, and the city of London.

## DEATH OF LORD LYNDHURST.

JOHN SINGLETON COPLEY, Baron Lyndhurst, of Lyndhurst, Hants, has departed this life at the very advanced age of ninety-one. With his political character we have nothing to do, but he is also well known to the world in his professional and judicial capacities. In the former he served the offices both of Attorney and Solicitor-General, and in the latter those of Chief Justice of Chester, Master of the Rolls, Lord Chief Baron of the Exchequer, and, no less than three times, Lord High Chancellor.

Of Lord Lyndhurst's great abilities there can be but one opinion, but there is little particular to record of him as a judge. The case with which his name as such is most connected, is that of *Small v. Atwood*, in 1831-2, when he was Lord Chief Baron, a case perhaps without parallel for voluminousness and intricacy. Lord Lyndhurst, after taking a long time for consideration, delivered a judgment which was afterwards reversed by the House of Lords, three law peers voting against the decision, which was, however, supported by Lord Lyndhurst himself and Lord Wynford.

Every lawyer is said to owe a debt to his profession, and we accordingly find the name of Lord Lyndhurst mentioned as having brought in some acts of Parliament for amending the law. Among these may be enumerated the statute allowing persons accused of felony to make their defence by counsel, the act rendering void marriages within the prohibited degrees, &c.

The popular notion that the study and practice of the law have a tendency to shorten human life, derives small support from the perusal of the career of Lord Lyndhurst, or of Lord Brougham, his great rival, still happily among us. Both attained ages considerably exceeding the average term of man's existence, and yet few have worked harder when at the bar, or been exposed to greater peril, from the late hours and tainted atmosphere of Parliament. Perhaps the theories on this subject require revision.

Almost contemporaneous with Lord Lyndhurst has died Richard Whateley, Archbishop of Dublin, whose bold sketch, entitled "Historic Doubts relative to the Existence of Napoleon Buonaparte," is worthy the attention of all desirous to master the philosophy of evidence.

## CASE LAW REVISION.

THE following pertinent observations on this subject are taken from an article upon it in *The Law Times* of the 10th inst. :—

"The report of a barrister, be it 'authorised,' as the conventional phrase is, or be it not authorised, is only secondary evidence of the law. Sometimes it happens that the Court distrusts, or is not fully satisfied with, the completeness, or even correctness, of the authorised report in its statement of the pleadings or the decree. In such an event the Court refers to the record, and supplies the deficiency, or corrects the error of the report. It is true, that, practically, the Court, in deciding cases, contents itself with the written reports of precedents, because generally these reports bear internal evidence of correctness; and if there is incorrectness, counsel should suggest it, rather than leave the Court to find it out.

"Therefore, if a digest of the case law is to be made; if, as the Lord Chancellor meditates, a commission is to weed out decisions, and to settle which of opposing decisions ought to remain, the first thing which the

nation has a right to demand is the ascertainment beyond all question, by a comparison and verification of the reports with the records of the courts, what those decisions have been. No digest worthy of the country, for the purpose of shaping the unwritten law, can be made upon the secondary evidence to which the Lord Chancellor has proposed to apply the process. The magnitude of this task of verification alone is repelling. It brings home to the mind the difference between a forced settlement of the body of the unwritten law through a commission, and the gradual settlement of it, point by point, through the ordinary labours of the Profession and the Bench.

"But this is not all, nor nearly all. The printed reports, 1200 volumes though they are, give but a very imperfect idea of the materials to be taken in hand. Let us recur to the Year-books. Prior to them are the Rotuli Curie Regis, from the 6 Rich. 1 to the 1 John; and the State Trials, principally in the Queen's Bench, from the 9 Hen. 2. The printed volumes of the Year-books themselves reach from the 1 Edw. 2 to the 28 Hen. 8. Vol. 1 embraces 1 Edw. 2 to 1 Edw. 3; vol. 2, 1 Edw. 3 to 11 Edw. 3; vol. 3, 17 Edw. 3 to 40 Edw. 3; vol. 4, from 40 Edw. 3 and 1 Edw. 3 to 1 Rich. 2; vol. 5, 1 Hen. 4 to 1 Hen. 6; vols. 6 and 7, 1 Hen. 6 to 1 Edw. 4; vols. 8 and 9, 1 Edw. 4 to 1 Edw. 5; vol. 10, 1 Edw. 5 to 28 Hen. 8. In the ten volumes there are many chasms and interruptions in the series of years. These breaks must, in any digest, be filled in from the manuscripts in Lincoln's-inn, the Harleian, Lansdowne, and Hargrave collections, in the British Museum and other known places. The defects to be thus supplied are considerable; in the printed editions there are wanting the reign of Edward I, except some short memoranda in the Exchequer; fifteen years of the reign of Edward III; the whole of Richard II; three years of Henry V; and three of Henry VII. Of the Year-book manuscripts, Lord Hale's, in Lincoln's-inn Library, are the most valuable. He says, that 'the reason of the law, upon which the Court proceeded, is many times expressly delivered upon the record itself.' These he selected and copied. But a curious obstruction to making Lord Hale's manuscripts of service for a printed digest arises from the terms of his bequest to the Inn. The will, after stating that these manuscripts were 'fit to be bound in leather, and chained and kept in archives,' and directing that only his posterity, if members of the Inn, should be allowed to make use of them out of the library, and then of no more than one volume at a time, concludes the bequest in the words—'I would have nothing of these books printed, but entirely preserved together for the use of the industrious learned members of that worthy society.' The restriction has, however, in some instances been broken through under the direction of the House of Lords. In addition to the manuscripts which we have mentioned for completing the reports of the decisions in the time covered by the Year-books are the manuscripts of Bishop Moris, said to be in the public library at Cambridge, and some important Year-books in the Middle Temple Library. It would be wearisome and unnecessary further to particularise the manuscript reports and works to be added to the printed Year-books as the materials of a digest up to the 28 Hen. 8. For the present purpose it will be sufficient to note, that there are about ninety of these documents, on which, in addition to the rolls, the commission must begin the exercise of its faculty of digestion.

"To continue these inquiries to the subsequent reigns, the eight printed reports of Edward the Sixth's time must be collated and supplemented with eleven MSS.; the thirteen reports for Philip and Mary's

reign, with sixteen MSS.; the twenty-five for Elizabeth, with seventy-two MSS.; the twenty-eight for James I, with seventy-seven MSS. Charles the First's reign, the cases in which furnish twenty printed reports, must be perfected with fifty-eight MSS.; Charles II, thirty-one reports and thirty-three MSS.; James II, fourteen reports and seven MSS. For the cases of the reign of William III, there are twenty-six printed reports, while the MSS. are nineteen in number; for the reign of Queen Anne there are twenty-seven reports, with twenty-three MSS.; for George I, twenty reports and eighteen MSS.; and for George II, thirty-eight reports and twenty-four MSS. The manuscripts, as well as the reports, are many of them in numerous volumes. These manuscripts are chiefly, if not all, in the British Museum and libraries of the Inns. For manuscript reports of cases subsequent to the reign of George II, we propose that the commission, under the usual power to call for books and papers, shall call upon all barristers to deliver up from their 'pocket-books' or other receptacles, all manuscript and unknown cases, to the end that opinions be no longer suddenly subverted, nor judges forced to yield to new discoveries."

### BOOKS RECEIVED.

The Ocean, the River, and the Shore. Part I.—Navigation. By J. W. Willcock, Q. C., and A. Willcock, M. A., Barrister.—Routledge, Warne, & Routledge. 1863.

A Practical Treatise on the Law of Auctions; with Statutes, Cases, Forms, Rules, and Tables, and Directions to Auctioneers. By Joseph Bateman, LL.D., of Lincoln's-inn, Barrister-at-Law. Fourth Edition. By Rolla Rouse, Esq., Barrister-at-Law; Author of "The Practical Man" &c.—Maxwell; Hodges, Smith, & Co., Dublin. 1863.

THE NEW BARON OF THE EXCHEQUER.—It will be seen from our last number that Serjeant Pigott has been definitively appointed to the office of Baron of the Exchequer, vacant by the transfer of Sir James P. Wilde to the post of Judge of the Court of Probate. Considered merely with reference to professional position, there are many gentlemen at the bar whose claims to this high honour were much stronger, and, as usual on such occasions, the names of several of them have been freely put forward by the press and rumour. But experience has, on more occasions than one, shewn how fallible is this standard. Several of the ablest judges who adorned the bench have been, comparatively speaking, little known at the bar; and we sincerely hope that Baron Pigott will so conduct himself as to justify the Government in his promotion. And here we cannot help reverting to the proposal brought forward in Parliament by the Lord Chancellor to establish an annual revision of the decisions of our courts of justice, and expunging from them all the bad law, or all that the revisors, or by whatever other name the exalted persons chosen for this purpose may be designated, deem bad law. Under such a system it would matter little who the persons composing the judicial bench might be, for those annual revisors would then be the real judicial power of the land. But, as the law has ever stood in this country—or, at least, ever since the Revolution of 1688, when judges were rendered independent of the Crown—the appointment to the judicial bench is a matter of the greatest importance, and involving the deepest responsibility on the part of the Government

—a responsibility which, we make no doubt, has been duly weighed on the present occasion.

A LADY REFUSING TO BE SWORN.—At the sitting of the St. Alban's County Court, last week, a person named Crisp brought an action against a Mrs. Sarah Pitkin for the recovery of 15*l*. As the defendant was in the service of Lady Glamis, the plaintiff's solicitor proposed to call that lady, who was seated on the bench to the left of the judge, to give evidence as to the amount she paid the defendant. When Mr. Earle, the solicitor, mentioned the name of Lady Glamis, she said—"What Mrs. Pitkin has said as to what I have paid her is quite correct." Mr. Earle required her ladyship to be sworn to give evidence on the point. Lady Glamis—"I decline to take an oath; what I have said is right." His Honor—"The law prescribes a certain form in giving evidence, and all ranks of society, from the Queen upon the throne to her most humble subject, are expected to conform to the law. There is a provision made to meet the case of the people called Quakers and others who object to oaths on religious grounds. Do you belong to the Quakers?" Lady Glamis (smiling).—"Oh, no, I am not a Quaker, and I do not object on any religious grounds; but I shall not take an oath on such a frivolous matter." His Honor—"My lady, now be advised by me, and be sworn. If you know nothing more on the matter than has been said, you can be sworn, and then say so." Lady Glamis—"I am very firm; I shall take no oath; my word is as good as my oath. I think it would be a desecration, and taking God's name in vain in such a case." His Honor—"Certainly, the word of every good man ought to be as sacred as his oath; but the law requires that evidence should be given on oath, and I cannot take it otherwise." Mr. Earle—"I certainly require that Lady Glamis should be examined in the way the law prescribes, and I am greatly surprised that she refuses." His Honor—"I am not only surprised but grieved that your ladyship refuses to do what the law requires of you. You set a sad example to those in more humble stations in society, and I must beg of you to leave this court." Her ladyship immediately left the court.

BROGHEE, BENJAMIN, Fashion-street, Spitalfields, looking-glass frame maker, Oct. 23. Off. Ass. Graham; Sol. Abbott, 1, Great Mark-street, Great Prescott-street.—Pet. f. Oct. 7.

FOWLER, OLIVER HUMPHREY, King-street, Snow-hill, medical student, Oct. 28. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 12.

GARSTIN, MARY, Upper Norwood, not in any business, Oct. 29. Off. Ass. Stansfeld; Sols. Lewis & Co., 10, Ely-place, Holborn.—Pet. f. Oct. 13.

GREENHOUSE, JOHN, High-street, Shoreditch, outfitter, Oct. 23. Off. Ass. Graham; Sols. Sole & Co., 3 and 4, Aldermanbury.—Pet. f. Oct. 10.

GRIMES, SUSANNAH FRAYLING, Aston-place, Holloway-road, licensed victualler, Oct. 29. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 10.

KNIGHT, HENRY, Oxford-street, out of business, Oct. 23. Off. Ass. Stansfeld; Sol. Hare, 66, Basinghall-street.—Pet. f. Oct. 10.

LOVELL, JOHN; SAUNDERS, BRICK; and SAUNDERS, WILLIAM DANIEL, New-square, Minorities, wine merchants, Oct. 29. Off. Ass. Stansfeld; Sol. Juckes, 19, Basinghall-street.—Pet. f. Oct. 10.

MIDWINTER, CHARLES, Lucas-place, Commercial-road East, watchmaker, Oct. 23. Off. Ass. Stansfeld; Sol. Hill, 10, Basinghall-street.—Pet. f. Oct. 8.

MOSES, WOLFE, Brighton-place, Brixton-road, china dealer, Oct. 23. Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Oct. 12.

PEARCE, GEORGE, Ower, near Romsey, Hampshire, farmer, Oct. 23. Off. Ass. Graham; Sols. Paterson & Co., 7, Bouverie-street; Mackey, Southampton.—Pet. f. Oct. 10.

PICKARD, SARAH ANN, Hatton-garden, dealer in watches, Oct. 23. Off. Ass. Graham; Sols. Miller & Co., 6, Chatham-place, Blackfriars.—Pet. f. Oct. 7.

POUND, JOHN DANIEL, Charles-terrace, Camland-road, Hackney, out of business, Oct. 29. Off. Ass. Stansfeld; Sol. Hales, 63, Gracechurch-street.—Pet. f. Oct. 10.

ROBERTS, JOSEPH, Penton-street, Walworth, business agent, Oct. 22. Off. Ass. Stansfeld; Sol. Wells, 47, Moorgate-street.—Pet. f. Oct. 8.

SOUTHEY, JAMES, Northampton-road, Clerkenwell, cheesemonger, Oct. 23. Off. Ass. Stansfeld; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. Oct. 9.

STRANGE, EDWARD, London-street, Norfolk-square, Paddington, boot maker, Oct. 28. Off. Ass. Graham; Sol. Smith, 15, Wilmington-square.—Pet. f. Oct. 12.

SWANSON, RICE BROSINS, West Ham, Essex, out of business, Oct. 23. Off. Ass. Graham; Sol. Wetherfield, 24, Message-street.—Pet. f. Oct. 12.

WATERS, WILLIAM, London-road, Southwark, out of business, Oct. 23. Off. Ass. Graham; Sol. Munday, 6, Essex-street, Strand.—Pet. f. Oct. 9.

#### To be heard in the Country.

BROWN, JAMES, Liverpool, out of business, Oct. 26, Liverpool. Off. Ass. Turner; Sols. Anderson & Co., Liverpool.—Pet. f. Oct. 9.

COOK, JAMES, Birmingham, cab driver, Oct. 26, Birmingham. Off. Ass. Gurnet; Sol. Shakespeare, Oldbury.—Pet. f. Oct. 16.

DAVENPORT, EBERNEZER WALKER, Litchurch, Derbyshire, out of business, Oct. 28, Derby. Off. Ass. Waller; Sol. Borough, Derby.—Pet. f. Oct. 10.

DAWSON, GEORGE, Kirkburton and Huddersfield, Yorkshire, manufacturer of skirts, Oct. 29, Leeds. Off. Ass. Young; Sols. Freeman, Huddersfield; Carr & Co., Leeds.—Pet. f. Oct. 9.

DAY, EDWIN, Bristol, butcher, Oct. 30, Bristol. Off. Ass. Harley; Sol. Brittan, Bristol.—Pet. f. Sept. 29.

FRASER, THOMAS, Macclesfield, Cheshire, builder, Oct. 29, Manchester. Off. Ass. Pott; Sols. Parrott & Co., Macclesfield.—Pet. f. Oct. 10.

HAWKINS, DAVID ARTHUR, Truro, Cornwall, cabinet maker, Oct. 14, Falmouth. Off. Ass. Bullmore; Sol. Moorman, Falmouth.—Pet. f. Oct. 5.

HITCHINOR, JAMES, Walsall, Staffordshire, brass dresser, Oct. 30, Walsall. Off. Ass. Clarke; Sols. Dugman & Co., Walsall.

HOBBS, JOHN, Longthorpe, Gloucestershire, innkeeper, Oct. 26, Newnham. Off. Ass. Buxup; Sol. Smallbridge, Gloucester.—Pet. f. Oct. 7.

HOPKINS, JOHN, Llangatock, Breconshire, blacksmith, Oct. 29, Crickhowell. Off. Ass. Davies; Sol. Davies, Crickhowell.—Pet. f. Oct. 9.

JUMP, WILLIAM, Stockton-on-Tees, Durham, rope manufacturer, Oct. 26, Stockton-on-Tees. Off. Ass. Crosby; Sol. Huxton, Stockton.—Pet. f. Oct. 8.

LEEDS, GEORGE, Felwell, Norfolk, veterinary surgeon, Oct. 27, Thetford. Off. Ass. Clarke; Sol. Walpole, Northwold.—Pet. f. Oct. 6.

LITTLE, DAVID THOMAS, Ware, Hertfordshire, baker, Nov. 2, Hertford. Off. Ass. Spence; Sol. Armstrong, Hertford.—Pet. f. Sept. 30.

LOCKE, GEORGE WILLIAM, New Brompton, Kent, surgeon, Oct. 27, Rochester. Off. Ass. Asworth; Sol. Hayward, Rochester.—Pet. f. Oct. 7.

MADDOCK, RICHARD JAMES, Everton, near Liverpool, non-trader, Oct. 26, Liverpool. Off. Ass. Hime; Sols. Evans & Co., Liverpool.—Adj. Sept. 15.

MATHEW, CHARLES, Hulme, Manchester, grocer, Oct. 28, Manchester. Off. Ass. Herniman; Sol. Richardson, Manchester.—Pet. f. Oct. 1.

MURPHY, WILLIAM, Wolverhampton, Staffordshire, balmonger, Nov. 2, Birmingham. Off. Ass. Kinners; Sols. Underhill & Co., Wolverhampton; Green, Birmingham.—Pet. f. Oct. 8.

PERRY, WILLIAM ANDREW, Dudley, Worcestershire, commission agent, Nov. 2, Dudley. Off. Ass. Walker; Sol. Parry, Birmingham.—Pet. f. Oct. 6.

PLANT, JOHN, Lower Whitley, Cheshire, beer-house keeper, Oct. 29, Warrington. Off. Ass. Nicholson; Sol. Day, Warrington.—Pet. f. Oct. 7.

RAMSDEN, GEORGE WILLIAM, Bradford, Yorkshire, stuff dealer, Oct. 29, Leeds. Off. Ass. Young; Sols. North & Co., Leeds.—Pet. f. Oct. 12.

ROBINSON, RICHARD, Holme Cultram, Cumberland, potato dealer, Oct. 27, Wigton. Off. Ass. Wree; Sol. Wainop, Carlisle.—Pet. f. Oct. 7.

ROWLAND, JOHN, Chester, carpenter, Oct. 30, Chester Castle. Off. Ass. Wason; Sol. Cartwright, Chester.—Pet. f. Oct. 7.

SHAW, DAVID, Huddersfield, Yorkshire, hosier, Oct. 29, Leeds. Off. Ass. Young; Sol. Haigh, Huddersfield; Bond & Co., Leeds.—Pet. f. Oct. 12.

SHERDON, HERMAN, Harford, Devonshire, farmer, Oct. 24, Honiton. Off. Ass. Stamp; Sol. Floud, Exeter.—Pet. f. Oct. 10.

TAYLOR, GEORGE, West Bromwich, Staffordshire, mine agent, Oct. 29, West Bromwich. Off. Ass. Watson; Sol. Jackson, West Bromwich.—Pet. f. Oct. 8.

VEAL, WILLIAM, Birmingham, licensed victualler, Nov. 2, Birmingham. Off. Ass. Whitmore; Sol. Marshall, Birmingham.—Pet. f. Oct. 9.

WARREN, JOHN, Headcorn, Kent, grocer, Oct. 24, Maidstone. Off. Ass. Scudamore; Sol. Stenning, Tonbridge.—Pet. f. Oct. 8.

WOODWARD, HENRY, Kidderminster, Worcestershire, coal merchant, Oct. 30, Birmingham. Off. Ass. Whitmore; Sol. Batham, Kidderminster; Wright, Birmingham.—Pet. f. Oct. 6.

WRIGHT, ALFRED CHARLES, Southampton, carpenter, Nov. 13, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Oct. 6.

#### BANKRUPTCIES ANNULLED.

CONEY, HENRY, Tottenham-court-road, shoemaker.

MARON, JOHN, Runcorn, Cheshire, shipbuilder.

#### PARTNERSHIPS DISSOLVED.

FRESTON, WILLIAM ANTHONY, and WATT, FRANCIS JAMES, 36, Old-moor-street, City, stationers and solicitors.

MENDHAM, WACE LOCKETT, and TILLET, A., Norwich, attorneys and solicitors.

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AYERS, JOHN, Kidderminster, Worcester-shire, victualler, Nov. 4, Kidderminster. Off. Ass. Talbot; Sol. Boycott, Kidderminster.—Pet. f. Oct. 13.

AYLER, GEORGE ALFRED, Brighton, licensed victualler, Oct. 23, Brighton. Off. Ass. Evershad; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. Sept. 7.

BARKER, WILLIAM, Checkley, Staffordshire, Oct. 24, Cheadle. Off. Ass. Daniel; Sol. Blagg & Co., Cheadle.—Pet. f. Oct. 8.

BARNETT, JOSEPH, Lowe, Warwickshire, butcher, Oct. 27, Coventry. Off. Ass. Kirby; Sol. Smallbone, Coventry.—Pet. f. Oct. 12.

BELLINGHAM, CHARLES MARTIN, Newcastle-upon-Tyne, licensed victualler, Oct. 28, Newcastle. Off. Ass. Clayton; Sol. Story, Newcastle.—Pet. f. Oct. 12.

BOTTOMLEY, JOHN, Little Bolton, Lancashire, warper, Oct. 28, Bolton. Off. Ass. Holden; Sol. Hinnell, Bolton.—Pet. f. Oct. 14.

BRACEWELL, JAMES, New Accrington, Lancashire, painter, Oct. 28, Manchester. Off. Ass. Pott; Sol. Barlow, Accrington.—Pet. f. Oct. 14.

BROWN, CHARLES, Whitechurch, Devonshire, out of business, Oct. 27, Exeter. Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. Sept. 9.

BROWN, RICHARD, Leeds, clerk, Oct. 29, Leeds. Off. Ass. Young, Sol. North & Co., Leeds.—Pet. f. Oct. 13.

CAPIES, GEORGE, Burton-upon-Trent, Staffordshire, brewer's engineer, Nov. 13, Birmingham. Off. Ass. Kinnear; Sol. James & Co., Birmingham.—Adj. Oct. 12.

CHAPMAN, CHARLES, Stoke, Kent, farmer, Oct. 27, Rochester. Off. Ass. Acworth; Sol. Hayward, Rochester.—Pet. f. Oct. 12.

CHARNOCK, THOMAS, Seaford, near Liverpool, slater, Oct. 26, Liverpool. Off. Ass. Hime; Sol. Anderson, Liverpool.—Pet. f. Oct. 10.

DAVIES, JOHN, Eglwyswre, Pembrokeshire, medical practitioner, Oct. 30, Bristol. Off. Ass. Miller; Sol. Smith, Cardigan; Henderson, Bristol.—Pet. f. Oct. 15.

DUNN, GEORGE, Manchester, commission agent, Nov. 2, Manchester. Off. Ass. Herniman; Sol. Slater & Co., Manchester.—Pet. f. Oct. 13.

FLETCHER, TIMOTHY, Overton, Shropshire, farmer, Nov. 13, Birmingham. Off. Ass. Kinnear; Sol. Hodgson & Co., Birmingham.—Pet. f. Oct. 14.

FORD, FREDERICK CHARLES, East Stonehouse, Devonshire, engineer, Oct. 28, East Stonehouse. Off. Ass. Pearce; Sol. Edmunds & Co., Plymouth.—Pet. f. Oct. 14.

GLOVER, HUGH, Hartlebury, Worcestershire, victualler, Nov. 4, Kidderminster. Off. Ass. Talbot; Sol. Corbett, Kidderminster.—Pet. f. Oct. 13.

GRIFFITH, HUGH, Aberdaron, Carnarvonshire, farmer, Oct. 29, Liverpool. Off. Ass. Morgan; Sol. Williams, Carnarvon; Evans & Co., Liverpool.—Pet. f. Oct. 15.

HARRISON, WILLIAM, Leicester, market gardener, Oct. 27, Nottingham. Off. Ass. Harris; Sol. Harris & Co., Leicester; James & Co., Birmingham.—Pet. f. Oct. 9.

HOLMES, HANNAH, Bradford, Yorkshire, farmer, Oct. 30, Bradford. Off. Ass. Robinson; Sol. Terry & Co., Bradford.—Pet. f. Oct. 9.

HULME, THOMAS, Huxley, Cheshire, miller, Oct. 27, Liverpool. Off. Ass. Morgan.—Adj. Oct. 10.

HYLDER, JOHN, Brighton, beer retailer, Oct. 28, Brighton. Off. Ass. Evershad; Sol. Mills, Brighton.—Pet. f. Oct. 13.

JONES, DAVID, Penderyn, Breconshire, farm bailiff, Oct. 27, Aberdare. Off. Ass. Rees; Sol. Linton, Aberdare.—Pet. f. Oct. 12.

JONES, ROBERT, Llanbri, Denbighshire, out of business, Oct. 28, Ruthin. Off. Ass. Edwards; Sol. Louis, Ruthin.—Pet. f. Aug. 21.

JUKES, JOSEPH, Birkenhead, Cheshire, builder, Oct. 27, Liverpool. Off. Ass. Turner.—Adj. Oct. 10.

LEA, JONATHAN, Birmingham, pork butcher, Oct. 26, Birmingham. Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. Sept. 28.

LEDWARD, SAMUEL, Woolstanton, Staffordshire, architect, Oct. 31, Newcastle-under-Lyme. Off. Ass. Slaney; Sol. Sutton, Burnham.—Pet. f. Oct. 14.

LOOKER, JOHN, Latchford, Cheshire, licensed victualler, Nov. 1, Manchester. Off. Ass. Herniman; Sol. Day, Warrington.—Pet. f. Oct. 14.

MCDOWALL, WILLIAM, Bradford, Yorkshire, commercial traveller, Oct. 29, Leeds. Off. Ass. Young; Sol. Terry & Co., Bradford; Bond & Co., Leeds.—Pet. f. Oct. 13.

MALLARD, WILLIAM HENRY, Plymouth, Devonshire, master on half pay in her Majesty's navy, Oct. 28, East Stonehouse. Off. Ass. Pearce; Sol. Fowler, Plymouth.—Pet. f. Oct. 13.

MARLOW, WILLIAM, Nuneaton, Warwickshire, cartee, Oct. 30, Birmingham. Off. Ass. Kinnear; Sol. Allen, Birmingham; Esdaile, Nuneaton.—Pet. f. Oct. 9.

MELLOR, JAMES, Liverpool, licensed victualler, Oct. 27, Liverpool. Off. Ass. Hime; Sol. Blackhurst, Liverpool.—Pet. f. Oct. 13.

MERRIBURN, CHARLES, Pontypool, Monmouthshire, licensed victualler, Oct. 30, Bristol. Off. Ass. Acranman; Sol. Bevan & Co., Bristol.—Pet. f. Oct. 13.

PHILLIPS, WILLIAM MORGAN, and PHILLIPS, MORGAN, Bridgend, Glamorganshire, millstee, Oct. 30, Bristol. Off. Ass. Miller; Sol. Popkin, Bridgend; Abbot & Co., Bristol.—Pet. f. Oct. 6 and 15.

[For continuation of Gazette, see p. 375.]

## CONTENTS.

London Gazettes.....	370
Leading Article .....	371
Correspondence .....	373
The Social Science Association.....	374
Court Papers:—Equity Sittings, Michaelmas Term..	374
Common-law Sittings, in and after Mich. Term ..	375
Common-law Cause Lists, Michaelmas Term ...	376
Statutes passed during the late Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

<i>In re</i> Willson.—( <i>Public company—Compensation—</i> <i>Tenant for life—Copyholds</i> ) .....	1043
---	------

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

<i>Nesbitt v. Berridge.</i> — <i>Butler v. The Albert Insurance</i> <i>Society.</i> —( <i>Sale of reversionary interest—Under-</i> <i>value—Fraud—Notice—Policies of insurance</i> <i>—Demurrer</i> ).....	1044
<i>Chapman v. Bradley.</i> —( <i>Marriage with deceased</i> <i>wife's niece—Settlement—Invalid consideration</i> )	1046
<i>Paake v. Haselfoot.</i> —( <i>Will—Construction—Power</i> <i>of appointment—Class—Death of member of</i> )..	1047

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

<i>Bonsor v. Bradshaw.</i> —( <i>Solicitor and client—Costs</i> <i>made a charge on estate recovered for an in-</i> <i>fant plaintiff—Attornies and Solicitors Act,</i> <i>1860</i> ).....	1048
<i>Stains v. Banks and Others.</i> —( <i>Mortgagor and mort-</i> <i>gagee—Claim by mortgagee in possession for</i> <i>commission paid to agents disallowed—Claim</i> <i>by mortgagee to higher rate of interest dis-</i> <i>allowed</i> ).....	1049

## EXCHEQUER CHAMBER.

By C. W. LOVESY, Barrister at Law.

<i>Chamberlain v. The West End of London and Crys-</i> <i>tal Palace Railway Company.</i> —( <i>Railway com-</i>	
---	--

<i>pany—Lands “injuriously affected”—Compen-</i> <i>sation—Lands Clauses Consolidation Act, 1845</i> <i>(8 &amp; 9 Vict. c. 18), s. 68—Railways Clauses</i> <i>Consolidation Act, 1845 (8 &amp; 9 Vict. c. 20), s. 6)</i>	1051
--	------

## COURT OF QUEEN'S BENCH.

By C. W. LOVESY, Barrister at Law.

<i>Hargreaves, App., Taylor, Resp.</i> —( <i>Public Health</i> <i>Act, 1848—11 &amp; 12 Vict. c. 63, s. 54—Nuisance</i> <i>—Abatement thereof—Power of local board—</i> <i>Jurisdiction of justices in petty sessions</i> ) .....	1053
<i>Reg. v. The Inhabitants of Hinckley.</i> —( <i>Indenture</i> <i>of apprenticeship—Secondary evidence of—</i> <i>Search—Settlement</i> ) .....	1054
<i>Richens, App., Wiggins, Resp.</i> —( <i>Turnpike—Toll—</i> <i>Exemption from—Manure—Empty sacks and</i> <i>baskets—3 Geo. 4, c. 126, s. 28—5 &amp; 6 Will. 4,</i> <i>c. 18, s. 1</i> ) .....	1055

## COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

<i>Schroder v. Ward.</i> —( <i>Costs—Appeal from Sheriff's</i> <i>Court—County court</i> ) .....	1056
<i>Cheney v. Curteis.</i> —( <i>Bill of sale—Affidavit—Mis-</i> <i>take in jurat</i> ).....	1057
<i>Anderton v. The Birkenhead Improvement Commis-</i> <i>sioners.</i> —( <i>Local Government Act, 21 &amp; 22 Vict.</i> <i>c. 98—Building in towns</i> ) .....	1058
<i>Gambarl v. Ball.</i> —( <i>Copyright—Photography—En-</i> <i>graving Acts, 8 Geo. 2, c. 13; 7 Geo. 3, c. 38;</i> <i>17 Geo. 3, c. 57</i> ).....	1059
<i>Shipley v. Marshall.</i> —( <i>Bankruptcy Act, 1861 (24 &amp;</i> <i>25 Vict. c. 134, s. 137)—“Book debts”</i> ) .....	1060

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

<i>Read v. The Victoria and Pimlico Railway Company.</i> <i>—(8 &amp; 9 Vict. c. 18—Compensation—Assessment</i> <i>of, by sheriff's jury—Not conclusive of justice</i> <i>of claim—Amount</i> ) .....	1061
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## THE JURIST.

LONDON, OCTOBER 24, 1863.

THE humanitarians in this country are utterly incorrigible. In the face of the miserable failure of their plans for the reformation of criminals, the practical consequences of which have been to render our criminal code the scandal and laughter of the world—to render the streets of the metropolis, as well as other places, unsafe to the passers by, and the home of every man liable each night to the visit of the burglar; and despite the declaration of the Home Secretary, that all life punishment is to be condemned, because its effect is to make men desperate; these soi-disant philanthropists want to push their theories still farther, by renewing the agitation against all capital punishment, and consequently sending back to society the traitor, the assassin, and the wilful murderer, after undergoing a few years of the fashionable punishment of penal servitude, if not to enter upon a new career of bloodshed, or at all events to demonstrate to the world how little interest the law takes in punishing those who deprive its citizens of life. We do not, however, propose on the present occasion to revert further to the question of the propriety of capital punishment. Another class of theorists—a shade less

infatuated than the former—admits the necessity of retaining that punishment for heinous offences, but insists that, instead of being inflicted in public, as has ever been the practice in this country, every execution should take place within the walls of a prison, in the presence of official, and perhaps other selected witnesses.

This question has been much mooted in modern times. In 1856, in particular, a select committee of the House of Lords, appointed on the motion of the Bishop of Oxford, sat upon it, and reported against public executions, on the ground, that their effect was injurious to the spectators, the population of the place, and had a bad influence on other criminals, and on the criminal himself—an expression which, we presume, must be understood to mean, during the period between his conviction and execution. This report was, however, so one-sided in its views and language, and based on evidence of such a character, that it made but little impression, and the old practice has remained undisturbed. Still the agitation of the question has gone on, and the present year has presented us with it in a third phase. At some of the executions which took place after the last assizes, the local authorities took upon themselves, not, indeed, to inflict capital punishment in private, but to shear it of some portion of its publicity. Thus at Maidstone, where two murderers were executed, we are told by

the local paper, i. e. *The South-eastern Gazette*, of the 25th August, 1863—"There was one circumstance connected with the exhibition last Thursday which will henceforth distinguish it. The executions, compared with others which have gone before, were comparatively private, and, therefore, more solemn and impressive than usual. The lower part of the scaffold, for about five or six feet deep, was surrounded by black cloth, which in a great measure screened the awful performance decreed for enactment there from the spectators, attracted in large numbers by the hope of a sensation."—"One of the reporters says, 'The usual opportunity of gratifying the morbid tastes of the crowd was denied, as the scaffold was surrounded with black cloth, so that not more than the top of each white cap could be seen after the drop had fallen.'" And a somewhat similar course was adopted at Liverpool.

The first observation that here presents itself is, that in thus acting the local authorities of Maidstone and Liverpool have taken too much upon them. Their duty was to carry out the law, not to sit in judgment on its propriety. If the law, acting in obedience to a practice of at least seven centuries standing, requires, however erroneously, executions to be public, it is not for any local officer to start up and say, "in my opinion they ought to be private, and, so far as my power extends, I will neutralise the administration of the law to bring it into accordance with my views." The duty of such an officer is to carry out the law; which is so strict, and most righteously so, on this subject, that if a criminal is sentenced to die by one mode of death, and the officer executes him by another mode, the officer is guilty of murder.

But with respect to the general question, whether executions ought to be public. In the article from the Maidstone paper, to which we have referred, we are informed that the system of public executions is an "old barbarism—a thing scarcely less demoralising in its very nature and concomitants than would be the commission of a murder in public, with all the neighbourhood invited to witness the performance."

The theory that a public execution is only murder in public is by no means new, but those who hold it, overlook the distinction between lawful slaying and murder. If *all* slaying is murder, what must become of a man, who, in self defence, slays an assassin, foot-pad, or a burglar; and *a multo fortiori*, what must be said of war or battles under any circumstances? Unlawful slaying is, indeed, a fearful sight, and murder is the most aggravated form of it, being a slaying, not only unlawful but malicious, and has been truly styled "The ne plus ultra of human wickedness."

The usual argument against public executions, however, is, that they tend to harden instead of improve the lookers on. The Committee of the House of Lords thus express themselves on this subject:—

"First, on spectators—

"That the sight of them is by no means generally deterring.

"Secondly, on the population of the place where the execution takes place—

"It was stated in evidence—'That the whole town

for the day was a seat of riot and drunkenness, and debauchery of every kind'—'that the roads approaching it were, towards evening, filled with disorderly and drunken persons'—'that the country people flock in as to a bull-baiting or a cock-fight'—and that, 'after the solemn scene is over, the day is invariably one of drunkenness, oaths, and disorder.' 'The disgraceful state of the town,' says a witness of the highest character, 'on the day of execution, exceeded anything I had before witnessed, or could have credited.'"

The scenes that take place at some executions are no doubt deplorable, and the writers of romance have exhausted the powers of their art by the most graphic and highly painted descriptions of the scenes of theft, blasphemy, and violence which take place under the very gallows. From all this is drawn the inference that the public execution of the sentence of the law, if not the cause of all this, is at least impotent to restrain crime. And it is urged, perhaps with truth, that many persons who have ultimately reached the scaffold themselves, have witnessed executions.

This reasoning is, however, founded on the fallacy of assuming, that the publicity of executions is meant *solely*, or even *principally*, for the benefit of those present at it. Supposing, for the sake of argument (for we by no means admit the fact, and believe it will not stand the test of investigation), that the sight of an execution never made a deterrent impression on the mind of any one, its effect on the minds of others remains to be considered. The knowledge, that a criminal has been publicly or privately put to death, or undergone some other punishment for his crime at the hands of the law, is calculated to deter others from copying his example—to deny this is to deny the efficacy of punishment altogether;—but that he was put to death in an ignominious manner is still more strongly calculated to have this effect. Among murderers of the better class, taking away the publicity of the punishment would be to deprive it of the greatest part of its terror. This is well depicted in the old play, where a virtuous young lady is introduced lamenting the fate of her lover, who lies under sentence of death for murder; who gives utterance to the sentiment, that she has not merely to regret his death, but that it should be under such circumstances as to afford "a holiday to suburban savages." The polished murderer, the man of highly cultivated mind, whose feelings would be shocked by coarse manners, or his ear by a false note in music; the household friend of the better class, who, like Madame Laffarge, administers a poisoned medicine to her husband while smiling in his face, have usually an instinctive terror of being made a public spectacle to a mob; either from a misdirected feeling as regards themselves, or out of regard for the reputation of their families. And the same principle will be found acting, though in a minor degree, on murderers in much lower grades of society. The cause of their apparently inconsistent conduct metaphysicians may explain—we merely state the fact.

But it may be said, that although the general publicity of the execution be retained, the authorities of Maidstone and of Liverpool acted judiciously in inter-

cepting a portion of the spectacle from the crowd. Most emphatically do we deny their right to do anything of the sort—if such a change is to be made, it should be made by the Legislature. And we are by no means satisfied that it ought to be made. We have read somewhere, that in olden times, when, unhappily, capital punishment was very frequent for minor offences, and the criminal was hanged without the modern invention of a drop, the authorities in certain places used to connive at the friends of the criminal coming under the gallows after he had been turned off, and supporting him on their shoulders so that he scarcely felt the pressure of the cord, and after the usual time of hanging was cut down, having sustained but little injury, so that many persons supposed to have been executed returned to society. We have no wish to see this revived, or any similar mockery of justice palmed off on the nation.

But independent of the value of the impression produced by example, and the evident superiority of an example that speaks to the senses, the deprivation of human life is an act of so solemn and responsible a character that every Government is bound to discharge it openly in the sight of God and man; if afraid to do this, it had better refrain from it, and let murder stalk abroad unpunished. If capital punishment were inflicted in private, the means of evading it would be greatly increased: by connivance, either the ceremony would be omitted altogether, or gone through in dumb show, either on a corpse, a mannekin, or a statue, while the criminal would be permitted to escape, to laugh at the imbecility of the law, and prepare himself for fresh crimes. Under a corrupt regime this would certainly be the case; and even under a good one would occasionally happen, so long as there are officials to be bought, and money ready to buy, or influence to overawe them.

Nor is even this the worst. Supposing the sentence duly carried out in private, the fact would not be credited by the community. In every age the creed of Captain Macheath, in the Beggars Opera, has had numerous votaries:—

"If laws were made for every degree,  
To curb vice in others as well as in me,  
Methinks we should have better company  
Under Tyburn Tree.  
But gold from law can take out the sting,  
For if great rogues like me were to swing," &c.

In a word. Suppose the sentence were executed, the fact would not be believed. Nor can we altogether blame this disbelief. The system of indiscriminate condonation that has let loose on the world, in the shape of ticket-of-leave men, so many ruffians to infest society, and which, within three years after his conviction, not only liberated the notorious convict Redpath, but made him a constable, cannot complain if it finds its honesty or its capacity an object of suspicion.

#### MEMBERS RETURNED TO SERVE IN PARLIAMENT.—

Sir Roundell Palmer, Knt., her Majesty's Attorney-General, for the borough of Richmond; Robert Porrett Collier, Esq., her Majesty's Solicitor-General, for the borough of Plymouth; and George John Shaw Lefevre, Esq., for the borough of Reading, in the room of Gillery Pigott, Serjeant-at-Law, now one of the Barons of her Majesty's Court of Exchequer.

## Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—The able letter of Mr. Daniel to the present Attorney-General, on the subject of law reporting, referred to in your number of the 3rd instant, has drawn my attention to the evils of the present system, which are, indeed, many and great, and to the proposed remedy. The evils are, chiefly, the want of an authentic record of the verbal proceedings which take place in court; the multiplication of reports, arising from the fact that the mere status of a barrister entitles any person to set up as a reporter; the expense of taking in all the reports; the chance of missing some important point of law reported by one barrister but not by another, if all the reports be not taken in; and the possibility, that after all some important point may have been decided, unreported by anybody, but yet binding as law, though known, perhaps, only to the counsel engaged in the cause. These are evils sufficient, and quite enough, in my humble opinion, to warrant the preliminary course suggested by Mr. Daniel, that a meeting of the bar should be called to consider the subject.

It appears to me, however, that the true remedies for the evils in question are beyond the reach of the bar, and require the aid of the judges, and I think, also, the authority of Parliament.

With regard to the want of an authentic record of what is spoken in court by the bar and by the bench, it appears to me that the public, in its official capacity, would do well to take a lesson from what is done by the public as private individuals. In all important cases it is usual for one or both of the parties engaged in litigation to secure the assistance of a short-hand writer, by whom, as far as is possible, every word uttered in the course of the proceedings is taken down. This plan is so frequent, that I presume it is found to answer. At any rate, it is, I believe, the best means known for securing what is wanted—an authentic record of words actually spoken. Why, then, should not an official short-hand writer be attached to every court, whose duty it should be to take down every word uttered in the court during its sitting? If any person has a more effectual method of securing an authentic report of what goes on, by all means let him make it known.

If an official short-hand writer were appointed, the great expense incurred by individual suitors in employing such persons would at once be put an end to. In addition to this, the reports of short-hand writers, though now often received as evidence by consent of parties, are not, I apprehend, strictly speaking, legal evidence of what has been spoken. The best evidence is not legal evidence. I would make the report of the official short-hand writer primary evidence as between the parties and those claiming under them, of what actually took place in court in the progress of any suit.

But legal decisions are not only of consequence to the parties concerned, they affect the whole of the



profession of the law, and the whole of the public, whenever they involve any point of law. Many decisions, however, involve no point of law at all, or points so simple that everybody knows them, or points which, from the peculiar circumstances of the case, ought not to be drawn into a precedent. These decisions are of no use to the profession, for they leave the law as it stood; and the question is, by what process ought these decisions to be eliminated. How shall the chaff be winnowed from the wheat? At present this process is left to the judgment of the individual reporters, who may chance to be employed by the law publishers in furnishing reports. For the right exercise of this judgment the only guarantee possessed by the public is the fact, that the gentleman in question is a barrister-at-law. Any remark made by a judge which he thinks pertinent is preserved in print; whatever in his judgment is irrelevant is omitted from his report, but perhaps appears in the contemporary report of one of his brethren, in whose judgment the matter in question may appear important. Is this a reasonable or right state of things? According to our law, the decision of a judge operates as an *ex post facto* enactment, and confirms, illustrates, modifies, or repeals some portion of the existing law. It is of the highest importance, therefore, that every decision which has such an effect should be known as promptly, accurately, and extensively as possible. It appears to me, therefore, that unless by some superior authority the decisions of the judges be divided into those which are to affect, and those which are not to affect, the law for the future, there is no course left than that of causing to be published, as cheaply and as speedily as possible, every word that is uttered, either by counsel or judge, in any court of justice. I do not see, however, why the division between relevant and irrelevant to future law, now practically left to the judgment of individual reporters, should not be left to the judges by whom the law is made. At present it is not unfrequent for a judge, under peculiar circumstances, to make a decision, adding, "This case must not be drawn into a precedent." I should suggest, that instead of assistance to the reporter now being looked upon as a matter of favour, it should be the duty of every judge to superintend the reports of the cases decided in his own court, and to decide what cases should be officially reported as being a part of the future law, and what should be officially unreported, as affecting no legal principle. This would, of course, involve an official reporter, as well as an official short-hand writer. I think that the reporter should be appointed by the judge, and be under his control. An official reporter, with absolute power to print or to suppress, as he pleased, would be an *imperium in imperio*, which I think would be intolerable. It may be said, that the plan now suggested would involve a temptation for the judges to modify in print what they may have stated verbally in court, and to touch up their decisions after reconsideration. But why not? What is it that the public require? Do they want the well considered opinion of a thoughtful man? Or do they insist on stamping with judicial authority words spoken on the spur of

the moment, or in the process of thinking aloud, without which some able men seem to find it difficult to come to a right conclusion? The existence of a written record of what was actually spoken would, I think, prevent too great liberties in this respect. To my mind, it would be a great gain to the public, and it would certainly save to the profession the perusal of a vast amount of trash, if such cases only were allowed to be cited as authority in legal arguments as the judge had decided to be proper to be published for that purpose, and as were contained in official reports put forth from time to time, as speedily as might be, under the judge's superintendence.

For purposes of convenience, for the purpose of bringing public opinion to bear on the conduct of the judge, and for the purpose of information until the official reports were published, I would allow reporting to go on as at present.

I am Sir, your obedient servant,

JOSHUA WILLIAMS.

6, Stone-buildings, Lincoln's-inn.

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## THE SOCIAL SCIENCE ASSOCIATION.

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### DEPARTMENT OF JUSTICE.

It appears from the following proceedings of the Social Science Association, that there is at least one member of the Government, although not of the Cabinet, namely, the Lord Advocate of Scotland, who dissents from the plan brought forward by the Lord Chancellor and others to establish a Department of Justice.

"SOCIAL SCIENCE CONGRESS.—A paper 'On the Curiosities of Legislation,' was read by Dr. Barclay, sheriff substitute of Perth. He stated many curious blunders that had passed into the Statute-book; as, for instance, the substitution, in one case, of transportation for a pecuniary penalty, while the clause was retained, 'one-half thereof to the informer and the other half to the King;' the provision in one clause of a bill that the prisoners should occupy the old gaol till the new one was built, and in another that the stones of the old should be used to build the new; the Irish statute providing that the King's officers might travel by sea from one place to another within the land of Ireland; the provision in one statute for the possibility of Good Friday falling on a Sunday, and many other instances of error. He concluded by urging—First, that there be a Minister of Justice, under whose superintendence all legislation should be carried through. This functionary should have a competent staff of legal assistants as experts, and to whom would be entrusted the preparation and progress of all bills intended to result in statutes. All suggestions adopted by either House of Parliament, and ordered to be incorporated into the statutes, would be introduced by this body, who would see that they are not merely in harmony with the whole code of law, but consistent with itself and existent statutes. Secondly, that when any amendment of a statute is rendered

necessary, the statute should be repealed and renewed in an amended form, and thus the law for every specific object should be found in one statute, without reference to others of prior date.

"The Lord Advocate complimented Dr. Barclay's paper, but thought he had a little underrated the amount of care and attention which was generally given to these bills. The real truth was, that this was part of the price we paid for our constitutional government. A poem or a novel written by the two Houses of Parliament would be a very strange production; and he was not sure that it was not just as difficult to make an act of Parliament which, in phraseology and in composition, and in consistency, should be perfect, by means of a popular assembly like the House of Commons, or by the House of Lords. If we had an arbitrary Legislature—if we had a Minister of Justice responsible for drawing up acts of Parliament with his own hand, and having his whole mind zealously to apply to it—we might then expect that unity of construction and composition which would be desirable; but, instead of that, we had the subject of an act of Parliament thrown broadcast in the great popular assembly of the nation, where every man was entitled to express his own opinion, and endeavour to give effect to it. There might be a different opinion in the House of Commons from the House of Lords, so that it was a very difficult matter, indeed, to produce an act of Parliament. His honourable friend had proposed two remedies—first, that there should be a Minister of Justice, who should draw up bills and be responsible for them. But that could not supersede the province of the Legislature, in which all the leading provisions of the bill were discussed. You must have the forms of the House gone through. And if, in committee late in the session, a member proposed a measure, there might not be time for the Minister of Justice to prepare the draught of the bill before Parliament was prorogued. That happened, he was sorry to say, in Scotch legislation only too frequently. The hurry at the end of the session was very great. He thought it probable that to some extent the remedy might be applied. Then Dr. Barclay proposed that no act should be amended, but that the act shall be repealed and re-enacted. He quite agreed with the desirableness of that procedure; but Dr. Barclay did not take into account one great difficulty. Suppose an act of Parliament, in which there was great difference of opinion, had been fought through the House, and carried by narrow majorities with great difficulty, and it was found that one of the clauses did not work in consequence of some clerical error, next session were they to go through the whole of that again, and repeal the whole legislation after the measure had been discussed before on account of one clause? He thought Dr. Barclay would see that there was great difficulty in that. Although it would be exceedingly desirable to have the whole law in one statute, there were difficulties owing to the constitutional government under which we live, and these rules, although they were cumbersome, were yet in the main one of the safeguards for the stability of this great nation.

"Sir C. Rawlinson said, he thought if Dr. Barclay would look to the legislation of the last thirty years he would find that the system had not worked so badly after all. He thought they might say, notwithstanding the very amusing paper, that we should not at once alter the system, although by having a Minister of Justice much might be done to correct these small mistakes which were found in the legislation."

## Court Papers.

### EQUITY SITTINGS, MICHAELMAS TERM, 1863.

## Court of Chancery.

### Before the LORD CHANCELLOR.

#### At Westminster.

Monday .... Nov. 2 Appeal Motions and Appeals.

#### At Lincoln's Inn.

Tuesday.....	3	Petitions and Appeals.
Wednesday ....	4	Appeals in Bankruptcy and Appeals.
Thursday .....	5	Appeals.
Friday .....	6	Appeals.
Saturday .....	7	Appeals in Bankruptcy and Appeals.
Monday.....	9	Appeals.
Tuesday .....	10	Appeals.
Wednesday ....	11	Appeals in Bankruptcy and Appeals.
Thursday .....	12	Appeal Motions and Appeals.
Friday .....	13	Appeals.
Saturday.....	14	Appeals in Bankruptcy and Appeals.
Monday.....	16	Appeals.
Tuesday.....	17	Appeals.
Wednesday ....	18	Appeals in Bankruptcy and Appeals.
Thursday .....	19	Appeal Motions and Appeals.
Friday .....	20	Appeals.
Saturday .....	21	Appeals in Bankruptcy and Appeals.
Monday.....	23	Appeals.
Tuesday .....	24	Petitions and Appeals.
Wednesday ....	25	Appeal Motions and Appeals.

### Before the LORDS JUSTICES.

#### At Westminster.

Monday .... Nov. 2 Appeal Motions.

#### At Lincoln's Inn.

Tuesday.....	3	Appeal Motions and Appeals.
Wednesday .....	4	Appeals.
Thursday .....	5	Appeals.
Friday .....	6	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	7	Appeals.
Monday.....	9	Appeals.
Tuesday.....	10	Appeals from the County Palatine of Lancaster and Appeals.
Wednesday ....	11	Appeals.
Thursday .....	12	Appeal Motions and Appeals.
Friday .....	13	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	14	Appeals.
Monday.....	16	Appeals.
Tuesday.....	17	Appeals.
Wednesday ....	18	Appeals.
Thursday .....	19	Appeal Motions and Appeals.
Friday .....	20	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	21	Appeals.
Monday.....	23	Appeals.
Tuesday.....	24	Appeals.
Wednesday ....	25	Appeal Motions and Appeals.

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

### Before the MASTER OF THE ROLLS.

#### At Westminster.

Monday .... Nov. 2 Motions.

*At Chancery-lane.*

Tuesday.....	3	} General Paper.
Wednesday ....	4	
Thursday .....	5	
Friday .....	6	
Saturday .....	7	} Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday.....	9	
Tuesday.....	10	} General Paper.
Wednesday ....	11	
Thursday .....	12	} Motions and General Paper.
Friday .....	13	
Saturday .....	14	} Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday.....	16	
Tuesday.....	17	} General Paper.
Wednesday ....	18	
Thursday .....	19	} Motions and General Paper.
Friday .....	20	
Saturday .....	21	} Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday.....	23	
Tuesday.....	24	} General Paper.
Wednesday ....	25	

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.**At Westminster.*

Monday .... Nov. 2 Motions.

*At Lincoln's Inn.*

Tuesday.....	3	} General Paper.
Wednesday ....	4	
Thursday .....	5	
Friday .....	6	
Saturday .....	7	} Petitions, Adjourned Summonses, and General Paper.
Monday.....	9	
Tuesday.....	10	} Short Causes, Adjourned Summonses, and General Paper.
Wednesday ....	11	
Thursday .....	12	} Motions, Adjourned Summonses, and General Paper.
Friday .....	13	
Saturday .....	14	} Petitions, Adjourned Summonses, and General Paper.
Monday.....	16	
Tuesday.....	17	} Short Causes, Adjourned Summonses, and General Paper.
Wednesday ....	18	
Thursday .....	19	} Motions, Adjourned Summonses, and General Paper.
Friday .....	20	
Saturday .....	21	} Petitions, Adjourned Summonses, and General Paper.
Monday.....	23	
Tuesday.....	24	} Short Causes, Adjourned Summonses, and General Paper.
Wednesday ....	25	

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.**At Westminster.*

Monday .... Nov. 2 Motions.

*At Lincoln's Inn.*

Tuesday.....	3	} Causes, &c.
Wednesday ....	4	
Thursday .....	5	
Friday .....	6	
Saturday .....	7	} Petitions, Causes, &c.
Monday.....	9	
Tuesday.....	10	} Short Causes, Causes, &c.
Wednesday ....	11	
Thursday .....	12	} Causes, &c.
Friday .....	13	
Saturday .....	14	} Motions, Causes, &c.
Monday.....	16	
Tuesday.....	17	} Petitions, Causes, &c.
Wednesday ....	18	
Thursday .....	19	} Short Causes, Causes, &c.
Friday .....	20	
Saturday .....	21	} Causes, &c.
Monday.....	23	
Tuesday.....	24	} Motions.
Wednesday ....	25	

N. B.—Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put in the paper to be so heard.

No Cause, Motion for Decree, or Further Consideration, except by order of the Court, may be marked to stand over, if it shall be within twelve of the last cause or matter in the printed paper of the day for hearing.

*Before the Vice-Chancellor Sir W. P. WOOD.**At Westminster.*

Monday .... Nov. 2 Motions.

*At Lincoln's Inn.*

Tuesday.....	3	} General Paper.
Wednesday ....	4	
Thursday .....	5	
Friday .....	6	
Saturday .....	7	} Petitions, Short Causes, and General Paper.
Monday.....	9	
Tuesday.....	10	} General Paper.
Wednesday ....	11	
Thursday .....	12	} Motions and General Paper.
Friday .....	13	
Saturday .....	14	} Petitions, Short Causes, and General Paper.
Monday.....	16	
Tuesday.....	17	} General Paper.
Wednesday ....	18	
Thursday .....	19	} Motions and General Paper.
Friday .....	20	
Saturday .....	21	} Petitions, Short Causes, and General Paper.
Monday.....	23	
Tuesday.....	24	} General Paper.
Wednesday ....	25	

N. B.—Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put in the paper to be so heard.

NISI PRIUS SITTINGS, IN AND AFTER  
MICHAELMAS TERM, 1863.

*Court of Queen's Bench.**In Term.**MIDDLESEX.*

1st sitting, Tuesday .. Nov. 3.  
2nd sitting, Friday ..... 18 |

3rd sitting, Friday ..... 20 |

For undefended causes only.

*LONDON.*

1st sitting, Wednesday, Nov. 11  
2nd sitting, Wednesday .. 18

*After Term.*

Thursday ..... Nov. 26 | Thursday ..... Dec. 10

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

**Court of Common Pleas.***In Term.*

MIDDLESEX.

LONDON.

Tuesday ..... Nov. 3 | Thursday ..... Nov. 12  
Saturday ..... 14 | Thursday ..... 19

*After Term.*

Thursday ..... Nov. 26 | Tuesday ..... Dec. 8

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

The Common Jury Remanets from the Sittings after Trinity Term will be taken at the First Sitting in Michaelmas Term.

**Sychequer of Pleas.***In Term.*

MIDDLESEX.

LONDON.

1st sitting, Tuesday .. Nov. 3 | 1st sitting, Thurs., Nov. 12  
2nd sitting, Saturday .... 14 | 2nd sitting, Thursday .... 19  
3rd sitting, Saturday .... 21

*After Term.*

Thursday ..... Nov. 26 | Tuesday ..... Dec. 8

The Court will sit in and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

**COMMON-LAW CAUSE LISTS, MICHAELMAS TERM, 1863.****Court of Queen's Bench.****CROWN PAPER.**

Tewkesbury .... Reg. v. Severn Navigation Commissioners  
(To stand over for the decision in the House of Lords).

Surrey ..... Measor (Ditto).

Middlesex ..... Board of Works of the Strand District.

Kingston-on-Hull O'Neill v. Kruger.

Staffordshire .... London and North-western Railway Co. v. Churchwardens of Cannock.

Newcastle-under } Reg. v. Howson.  
Lyme ..... }

London ..... Inhab. of St. Giles, Cripplegate.

Kent ..... How.

Same ..... Same.

Middlesex ..... Receiver of the Metropolitan Police District.

Cornwall ..... Pappin v. Maynard.

Radnorshire .... Hopton v. Thirlwall.

Yorkshire ..... Reg. v. Hague.

Kent ..... Delves v. Tunbridge Wells Improvement Commissioners.

Same ..... Smith v. Waghorn.

Gloucestershire.. Powell v. Barnett.

Wisbeach ..... Hampden v. Russell.

Norfolk ..... Reg. v. Middle Level Commissioners.

Staffordshire .... Wednesbury Local Board of Health v. Stevenson.

Berwick-on-Tweed Smurthwaite v. Lilley.

Oxfordshire .... Overseers of Neithrop v. Whadcoat.

Same ..... Overseers of Bloxham v. Whadcoat.

Surrey ..... Hudson v. M' Rae.

Northland ..... Hall v. Knox.

**Court of Sychequer.****SITTINGS—MICHAELMAS TERM.***Days in Term.**Banc.*

Monday ..... Nov. 2	Motions and Peremptory Paper.
Tuesday ..... 3	Errors, Peremptory Paper, and Motions.
Wednesday ..... 4	.....
Thursday ..... 5	.....
Friday ..... 6	.....
Saturday ..... 7	.....
Monday ..... 9	Special Paper. Lord Mayor sworn.
Tuesday ..... 10	.....
Wednesday ..... 11	Special Paper.
Thursday ..... 12	Sheriffs nominated.
Friday ..... 13	.....
Saturday ..... 14	Criminal Appeals
Monday ..... 16	Special Paper.
Tuesday ..... 17	.....
Wednesday ..... 18	Special Paper.
Thursday ..... 19	.....
Friday ..... 20	.....
Saturday ..... 21	.....
Monday ..... 23	.....
Tuesday ..... 24	.....
Wednesday ..... 25	.....

*Days in Term.**Nisi Prius.*

Tuesday ..... Nov. 3	Middlesex, first Sitting.
Thursday ..... 12	London, first Sitting.
Saturday ..... 14	Middlesex, second Sitting.
Thursday ..... 19	London, second Sitting.
Saturday ..... 21	Middlesex, third Sitting.

**NEW TRIALS.****FOR JUDGMENT.***Moved Mich. Term, 1863.*

Haverfordwest—Robertson v. Powell &amp; an.

*Moved after the 4th day of Easter Term, 1863.*

Midd.—Turley v. Bates  
(Standing for Arrangement.)

*Moved Hilary Term, 1863.*

Lond.—Kühn v. Bicker Caarten

*Moved Easter Term, 1863.*

Lond.—Beavan v. Countess of Waldegrave

**FOR ARGUMENT.**

Glo'ster—Sleeman &amp; ors. v.

Barratt &amp; an.

Bristol—Holmes v. Morris

— Routh v. Macmillan.

**SPECIAL PAPER.****FOR JUDGMENT.**

Dell v. King (D.)

Wearing v. Underhill (D.)

Stockport Waterworks Co. v.

Potter &amp; ors. (Sp. C., heard 8th and 9th June, 1863)

**FOR ARGUMENT.**

Brewer v. Dimmack (D., part heard, standing over for arrangement)

London and North-western

Railway Co. v. Great Western

Railway Co. (D., standing over for arrangement)

The Anglo-Californian Gold-

mining Co. v. Lewis (D., to stand over)

Earl of Lonsdale v. British &amp; Irish Magnetic Telegraph

Co. (Limited) (D., to stand over till after argument of Sp. C.)

Hodgson v. Wood (D., part heard, to stand over till Sp. C. settled, and to be argued together)

Collard v. Amos (Sp. C. by order of Blackburn, J., to stand over for arrangement)

Peek v. Waterloo & Seaforth Local Board of Health (Ap., ordered to be amended)

Sibthorp v. Warren (D.)

Same v. Same (D.)

Burbidge v. Child (D.)

Cleak v. Wetton (D.)

Moor v. Browman (D.)

Davis v. Raphael (D.)

Wakley v. Froggatt (D.)

Baker v. Guardians of the Poor of Billericay Union (Sp. C. by order of Nisi P.)

Same v. Same

Boxall v. Curtis (D.)

Alfred v. Cordwell (D.)

Phillips v. Ward (D.)

## PEREMPTORY PAPER.

*To be taken on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.*

In re Alfred Leigh (To answer the matters of affidavits).

## ERRORS AND APPEALS.

## FOR JUDGMENT.

Beal & an. v. South Devon  
Railway Co. (Ap.)  
Robbins v. Evans & ors. (E.)

## FOR ARGUMENT.

Dumergue v. Rumsey (Ap.)  
Knight v. Oakley (E.)  
Orchard v. Roberts (E.)  
Renwick v. Dale (E.)

RODGER, JAMES, Weston-super-mare, Somersetshire, baker, Oct. 30, Bristol. Off. Ass. Miller; Sol. Henderson, Bristol.—Pet. f. Oct. 14.  
SHARP, DAVID, and SHARP, JOSEPH, Leeds, out of business, Oct. 29, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Oct. 8.  
STEELE, FREDERICK STEPHEN, Swanage, Dorsetshire, in no trade, Oct. 28, Exeter. Off. Ass. Hirtzel; Sol. Terrell, Exeter.—Pet. f. Oct. 8.  
STEPHENS, RICHARD, Shrewsbury, Shropshire, boot manufacturer, Nov. 13, Birmingham. Off. Ass. Kinnear; Sols. James & Co., Birmingham.—Pet. f. Oct. 13.  
SURMAN, JAMES, Worcester, butcher, Nov. 2, Birmingham. Off. Ass. Whitmore; Sols. Rea, Worcester; Wright, Birmingham.—Pet. f. Oct. 13.  
TREVINA, WILLIAM, Gwenap, Cornwall, miner, Oct. 31, Redruth. Off. Ass. Peter; Sol. Brenton.—Pet. f. Oct. 12.  
WALLACE, JOHN, Stanwix, Cumberland, innkeeper, Oct. 29, Carlisle. Off. Ass. Halton; Sol. Donald, Carlisle.—Pet. f. Oct. 10.  
WEIGHTMAN, JOHN, Hayton, Cumberland, miller, Nov. 9, Brampton. Off. Ass. Lee; Sol. Latimer, Brampton.—Pet. f. Oct. 13.  
WHITFIELD, JOHN WILLIAM, Newchurch, Isle of Wight, gasfitter, Oct. 23, Newport. Off. Ass. Blake; Sol. Joyce, Newport.—Pet. f. Aug. 22.  
WILSON, ARTHUR BUSHBY, Cockermouth, Cumberland, hat manufacturer, Nov. 5, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Hayton, Cockermouth.—Pet. f. Oct. 13.  
WINN, WILLIAM, Thornley Colliery, Durham, miner, Oct. 29, Durham. Off. Ass. Bramwell; Sol. Marshall, Durham.—Pet. f. Oct. 12.  
WRIGHT, EMILY ANNA, Birmingham, draper, Nov. 13, Birmingham. Off. Ass. Kinnear; Sols. James & Co., Birmingham.—Pet. f. Oct. 3.

## PARTNERSHIP DISSOLVED.

HUSTLER, CHARLES DEVEREUX, and SKIPPER, CHARLES PHILIP, Halstead, Essex, attorneys and solicitors.

TUESDAY, Oct. 20.

## BANKRUPTS.

*To be heard in London.*

ASUELOS, ABRAHAM, Noble-street, City, fancy warehouseman, Nov. 10, Off. Ass. Stansfeld; Sol. Chidley, 45, Old Jewry.—Pet. f. Oct. 15.  
BRIGGS, ALFRED, Winkfield, near Windsor, Berkshire, grocer, Nov. 2, Off. Ass. Graham; Sols. Lawrence & Co., 14, Old Jewry-chambers; Brown & Co., Maidenhead.—Pet. f. Oct. 8.  
CASSELL, BENNETT, Commercial-street, Whitechapel, out of business, Oct. 20, Off. Ass. Graham; Sol. Pope, 37, Austin-friars.—Pet. f. Oct. 16.  
COFFEY, JOHN AMBROSE, Providence-row, Finsbury, manufacturing engineer, Nov. 10, Off. Ass. Stansfeld; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. Oct. 16.  
COUTTS, JAMES, Plumstead, Kent, Baptist minister, Oct. 30, Off. Ass. Stansfeld; Sols. Eyre & Co., 1, John-street, Bedford-row.—Pet. f. Oct. 16.  
EAM, WILLIAM, Portland-terrace, and St. John's-wood-place, schoolmaster, Nov. 10, Off. Ass. Stansfeld; Sol. Lee, 26, Moorgate-street.—Pet. f. Oct. 15.  
EWENS, HENRY, Marlon-square, Hackney-road, dealer in firewood on commission, Nov. 10, Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 14.  
HUGGINS, ROBERT, Church-street, Shoreditch, and Goulston-street, Whitechapel, fish factor, Oct. 30, Off. Ass. Stansfeld; Sol. Smith, 19, White Lion-street, Norton-folgate.—Pet. f. Oct. 16.  
JOHNSON, HENRY, St. George-street, St. George-in-the-East, retailer of beer, Oct. 30, Off. Ass. Stansfeld; Sol. Whitcombe, Great Ormond-street.—Pet. f. Oct. 16.  
KAY, ELIZA, Blackfriars-road, schoolmistress, Nov. 2, Off. Ass. Graham; Sol. Ody, 14, Trinity-street, Southwark.—Pet. f. Oct. 15.  
KING, JAMES, Woodford, Essex, out of business, Nov. 5, Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Oct. 17.  
LADD, MARIA, Wells-street, Oxford-street, out of business, Nov. 10, Off. Ass. Stansfeld; Sol. Hare, 66, Basinghall-street.—Pet. f. Oct. 15.

MARTINOTON, EDWARD CHARLES, Clyde-terrace, Hill-street, Peckham, of no occupation, Oct. 30, Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 14.  
SHANBROOK, JOHN, Bishop's Hatfield, Hertfordshire, grocer, Oct. 30, Off. Ass. Graham; Sol. Hare, 66, Basinghall-street.—Pet. f. Oct. 16.  
WILLISON, WILLIAM HENRY, High-street, Kensington, and Brompton, chemist, Nov. 2, Off. Ass. Graham; Sol. Jackson, 19, Basinghall-street.—Pet. f. Oct. 17.  
WILLSON, WILLIAM HENRY, Milton-next-Sittingbourne, Kent, coal merchant, Oct. 30, Off. Ass. Graham; Sol. Cordwell, 22, College-hill.—Pet. f. Oct. 15.  
WOOLLARD, WILLIAM, Well-street, Gray's-inn-road, out of business, Nov. 2, Off. Ass. Graham; Sol. Sydney, 33, Jewry-street, Aldgate.—Pet. f. Oct. 15.

*To be heard in the Country.*

ALLIX, WILLIAM, Grantham, Lincolnshire, tankkeeper, Oct. 23, Grantham. Off. Ass. Winter; Sol. Mallin, Grantham.—Pet. f. Oct. 14.  
ALLPORT, NOAH, Dudley, Worcestershire, licensed victualler, Nov. 2, Dudley. Off. Ass. Walker; Sol. Maltby, Dudley.—Pet. f. Oct. 13.  
BAOSHAW, WILLIAM, Sheffield butcher, Oct. 31, Sheffield. Off. Ass. Young.—Adj. Oct. 13.  
BROADBURN, JOHN, Sheffield, casemaker, Nov. 4, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. Oct. 19.  
BROWN, GEORGE, Tetford, Lincolnshire, shopkeeper, Oct. 23, Horncastle. Off. Ass. Clitherow; Sol. Walker, Spilsby.—Pet. f. Oct. 14.  
CLER, JOHN, Dudley, Worcestershire, out of employment, Nov. 2, Dudley. Off. Ass. Walker; Sol. Maltby, Dudley.—Pet. f. Sept. 11.  
COOK, THOMAS, Weston-super-Mare, Somersetshire, builder, Oct. 30, Bristol. Off. Ass. Acraman; Sol. Britton, Bristol.—Pet. f. Oct. 14.  
CRAPPER, FOSTER, Halifax, Yorkshire, manufacturer of damasks, Oct. 30, Leeds. Off. Ass. Young.—Adj. Oct. 13.  
DABYTHIRE, JOHN, Sheffield, optician, Nov. 4, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. Oct. 16.  
DARVELY, HENRY, Cleckheaton, Yorkshire, commission agent, Oct. 20, Leeds. Off. Ass. Young.—Adj. Oct. 13.  
DAVIDSON, GEORGE, Great Salkeld, Cumberland, agricultural labourer, Nov. 3, Penrith. Off. Ass. Varty; Sol. Arnison, Penrith.—Pet. f. Oct. 15.  
DAVIES, HENRY, Liverpool, iron merchant, Nov. 2, Liverpool. Off. Ass. Turner.—Adj. Oct. 16.  
DIXON, WILLIAM, Lowestoft, Suffolk, smack owner, Nov. 2, Lowestoft. Off. Ass. Chater; Sols. Chamberlin & Co., Lowestoft.—Pet. f. Oct. 16.  
DOUGHERTY, ROBERT, Tollerton, Yorkshire, cattle dealer, Nov. 3, Easingwold. Off. Ass. Haxby; Sol. Mason, York.—Pet. f. Oct. 14.  
EMERSON, THOMAS, Tunstall, Staffordshire, coal master, Nov. 13, Birmingham. Off. Ass. Kinnear; Sols. Harding, Tunstall; Smith, Birmingham.—Pet. f. Oct. 17.  
ETSON, FRANCIS, Barnsley, Yorkshire, joiner, Oct. 30, Barnsley. Off. Ass. Shepherd; Sol. Hamer, Barnsley.—Pet. f. Oct. 16.  
GRIFFITHS, JOHN, Condevor, Shropshire, farmer, Nov. 2, Birmingham. Off. Ass. Whitmore; Sols. Davis, Shrewsbury; Barlow & Co., Birmingham.—Pet. f. Oct. 17.  
HIRST, EDMUND, Marsden, near Huddersfield, Yorkshire, woollen manufacturer, Oct. 30, Leeds. Off. Ass. Young; Sols. Floyd & Co., Huddersfield; Bond & Co., Leeds.—Pet. f. Oct. 13.  
HOMER, JOSEPH, Kingswinford, Staffordshire, and Birmingham, scrivener, Nov. 3, Birmingham. Off. Ass. Whitmore; Sols. Collis & Co., Birmingham.—Pet. f. Oct. 13.  
HOOKER, WILLIAM, Liverpool, out of business, Nov. 17, Liverpool. Off. Ass. Morgan; Sol. Best, Liverpool.—Pet. f. Oct. 17.  
HORNWELL, WILLIAM, Diptford, Devonshire, boot maker, Oct. 31, Totnes. Off. Ass. Bryett; Sol. Killock, Totnes.—Pet. f. Oct. 13.  
HUDDLESTON, TIMOTHY, Gresford, Denbighshire, book-keeper, Oct. 31, Wrexham. Off. Ass. Edgworth; Sol. Sherratt, Wrexham.—Pet. f. Oct. 17.  
HUGHES, JOSEPH, Liverpool, joiner, Nov. 3, Liverpool. Off. Ass. Turner.—Adj. Oct. 14.  
JERREY, DAVID, Ystragynlais, Breconshire, draper, Oct. 20, Bristol. Off. Ass. Acraman; Sols. Sale & Co., Manchester; Bevan & Co., Bristol.—Pet. f. Oct. 5.  
KIRMAN, EDWARD MOYES, Great Grimsby, Lincolnshire, boot maker, Nov. 5, Great Grimsby. Off. Ass. Danbney; Sol. Winttingham, Grimsby.—Pet. f. Oct. 15.  
LEVINE, MOSES HERWICK, Norwich, jeweller, Oct. 23, Norwich. Off. Ass. Palmer; Sol. Collins, Norwich.—Pet. f. Oct. 15.  
MARSHALL, JAMES, Bristol, licensed victualler, Nov. 6, Bristol. Off. Ass. Acraman; Sol. Pigson, Bristol.—Pet. f. Oct. 16.  
MORRIS, WILLIAM, Chatteris, Cambridgeshire, general-shop keeper, Nov. 7, March. Off. Ass. Wise; Sol. Ollard, Upwell.—Pet. f. Oct. 17.  
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All the important judicial decisions and dicta, at law and in equity, upon the subject will, the author hopes, be found in the work, and in the Appendix are the statutes to which it may be necessary to refer.

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Q Q

## GAZETTES.—FRIDAY, Oct. 23.

## BANKRUPTS.

*To be heard in London.*

ABRAHAM, ISRAEL, Great Portland-street, Oxford-street, and Mortimer-street, Cavendish-square, general agent, Nov. 3. Off. Ass. Graham; Sol. Lewis, 22, Great Marlborough-street.—Pet. f. Oct. 15.

BROWN, WILLIAM, Hastings, Sussex, and Nottingham, tobacconist, Nov. 5. Off. Ass. Graham; Sols. Langham & Co., 10, Bartlett's-buildings, Holborn.—Pet. f. Oct. 19.

FLINN, JOHN, Belgrave-terrace, Pimlico, slate merchant, Nov. 2. Off. Ass. Stansfeld; Sol. Chidley, 25, Old Jewry.—Pet. f. Oct. 20.

FROST, GEORGE, Pelham-place, Grange-road, Bermondsey, carman, Nov. 5. Off. Ass. Graham; Sol. Marshall, 36, Basinghall-street.—Pet. f. Oct. 19.

HANCOCK, GEORGE, Saint Thomas-street East, Southwark. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Oct. 20.

HASLEMAN, WILLIAM GALE, Penton-place, Walworth, retired lieutenant in the 6th Royal Veteran Battalion, Nov. 5. Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Oct. 21.

HEWITT, ROBERT, Reading, Berkshire, tailor, Nov. 5. Off. Ass. Graham; Sol. Cotton, 3, Bell-yard, Doctors'-commons.—Pet. f. Oct. 19.

HILL, ROBERT HENRY, Francis-street, Newington, attorney's clerk, Nov. 17. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Oct. 20.

KNIGHT, THOMAS, Havill house, Southampton-street, Camberwell, grocer, Nov. 5. Off. Ass. Graham; Sol. Perry, 2, Guildhall-chambers, Basinghall-street.—Pet. f. Oct. 22.

LAMBERT, THOMAS, James-grove, Peckham, book-keeper to a coffee roaster, Nov. 5. Off. Ass. Graham; Sols. Miller & Co., 10, Philip-lane.—Pet. f. Oct. 20.

LEES, WILLIAM, Francis-street, Vauxhall-street, Lambeth, cab driver, Nov. 5. Off. Ass. Graham; Sols. Dalton & Co., 5 and 6, Sherborne-lane.—Pet. f. Oct. 10.

LEWIS, THOMAS, Commercial-street, Whitechapel, printer, Nov. 10. Off. Ass. Stansfeld; Sol. Beard, 10, Basinghall-street.—Pet. f. Oct. 19.

M'CARTHY, EDWARD DENNIS JAMES, East Surrey-grove, Peckham, commercial clerk, Nov. 5. Off. Ass. Graham; Sol. Hill, 10, Basinghall-street.—Pet. f. Oct. 21.

MULLEY, CALES, Stanton, near Ixworth, Suffolk, farmer, Nov. 10. Off. Ass. Stansfeld; Sols. Tarrant, Bond-court, Walbrook; Brooke, Bury Saint Edmunds.—Pet. f. Oct. 19.

PATRICK, HUGH WILLIAM, Mill-hill-terrace, Acton, and Broad-street, Golden-square, dentist, Nov. 2. Off. Ass. Stansfeld; Sol. Hall, 21, Coleman-street.—Pet. f. Oct. 20.

RICHARDS, MICHAEL STEPHENS, Portsea, commercial traveller, Nov. 5. Off. Ass. Graham; Sols. Ashurst & Co., 6, Old Jewry.—Pet. f. Oct. 17.

ROMER, FRANCIS, Arthur-road, Tollington-park, clerk in her Majesty's Court of Admiralty, Nov. 2. Off. Ass. Stansfeld; Sol. Sparham, 66, Basinghall-street.—Pet. f. Oct. 17.

SHAPE, PETER REED, Beaumont-square, Mile-end, commission traveller, Nov. 2. Off. Ass. Stansfeld; Sol. Hill, 10, Basinghall-street.—Pet. f. Oct. 17.

STRONG, HENRY EDWARD, Rochester, Kent, custom-house agent, Nov. 2. Off. Ass. Stansfeld; Sol. Peverley, 73, Coleman-street.—Pet. f. Oct. 19.

TODD, THOMAS, Little North-street, and Nelson-court, Whitechapel-road, congreve-matchmaker, Nov. 2. Off. Ass. Graham; Sol. Wertheim, 35, Moorgate-street.—Pet. f. Oct. 19.

TOWSEY, WILLIAM, Southampton, hotel keeper, Nov. 9. Off. Ass. Graham; Sols. Jones, 5, New-inn; Paffard, Portsea.—Pet. f. Oct. 19.

TURNER, WILLIAM ALLEN, White's-grounds, Bermondsey, starch manufacturer, Nov. 5. Off. Ass. Graham; Sol. Burgon, 23, Martin's-lane, Cannon-street.—Pet. f. Oct. 20.

TYRMAN, THOMAS FREDERICK, Park-place, Church-street, Chelsea, architect, Nov. 2. Off. Ass. Stansfeld; Sol. Chandler, 33, Clement's-lane, Lombard-street.—Pet. f. Oct. 20.

WILLIAMS, WILLIAM, Providence-buildings, New Kent-road, Turner, Nov. 2. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.

YOUNG, JAMES DRYMON, Rolls-terrace, Chelsea, contractor, Nov. 2. Off. Ass. Graham; Sols. Harrison & Co., 24, Old Jewry.—Pet. f. Oct. 19.

*To be heard in the Country.*

ADENMAR, LEON CHARLES, Brighton, teacher of French, Nov. 11, Brighton. Off. Ass. Evershad; Sol. Goodman, Brighton.—Pet. f. Oct. 20.

ALLMAN, CHARLES, Pitts-hill, near Tunstall, Staffordshire, potter, Nov. 28, Hanley. Off. Ass. Challinor; Sol. Harding, Tunstall.—Pet. f. Oct. 22.

BANKS, JOHN, Barkston-ash, near Tadcaster, Yorkshire, farmer, Nov. 4, Leeds. Off. Ass. Young; Sols. Burrell, Wakesfield; Bond & Co., Leeds.—Pet. f. Oct. 22.

BLAKY, WILLIAM, Burnley, Lancashire, beerdealer, Nov. 9, Burnley. Off. Ass. Hartley; Sols. Backhouse & Co., Burnley.—Pet. f. Oct. 19.

BILLETT, WILLIAM, Lyng, Somersetshire, farmer, Nov. 4, Taunton. Off. Ass. Giles; Sol. Taunton, Taunton.—Pet. f. Oct. 17.

BRANNAN, JOHN, Birmingham, cattle dealer, Nov. 23, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Oct. 15.

BROWN, SAMUEL, Macclesfield, Cheshire, silk agent, Nov. 13, Manchester. Off. Ass. Pott; Sol. Stead, Manchester.—Pet. f. Oct. 21.

CARUTHERS, JAMES, Barrow, near Ulverston, Lancashire, stonemason, Nov. 6, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Oct. 2.

CHERRY, JAMES, North Shields, innkeeper, Nov. 6, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Tinley & Co., North Shields.—Pet. f. Oct. 19.

CLARK, CHARLES, Chesterfield, Derbyshire, grocer, Nov. 17, Chesterfield. Off. Ass. Wake; Sol. Catts, Chesterfield.—Pet. f. Oct. 19.

CLARKE, JOHN, Buckland Brewer, Devonshire, retired farmer, Nov. 3, Bideford. Off. Ass. Recker; Sol. Bencraft, Barnstaple.—Pet. f. Oct. 19.

CONNON, RICHARD, South Shields, Durham, out of business, Nov. 5, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Hodge & Co., Newcastle-upon-Tyne.—Pet. f. Oct. 15.

CORNISH, WILLIAM KELLEY, Bristol, accountant, Nov. 6, Bristol. Off. Ass. Miller; Sol. Pigeon, Bristol.—Pet. f. Oct. 20.

DAVIS, WILLIAM, Hereford, upholsterer, Nov. 5, Hereford. Off. Ass. Reynolds; Sol. Avarill, Hereford.—Pet. f. Oct. 20.

DUNN, JAMES, Dudley, Worcestershire, licensed victualler, Nov. 13, Birmingham. Off. Ass. Whitmore; Sol. Smith, Birmingham.—Pet. f. Oct. 21.

FLETCHER, THOMAS, Portsea, dealer in fancy goods, Nov. 13, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. Oct. 17.

FOULKES, EDWARD, Llandudno, Carnarvonshire, fishmonger, Oct. 27, Conway. Off. Ass. Hughes; Sol. Farrant, Llandudno.—Pet. f. Oct. 15.

FROST, EDMUND, Market Rasen, Lincolnshire, licensed victualler, Nov. 5, Market Rasen. Off. Ass. Rhodes; Sols. Brown & Co., Lincoln.—Pet. f. Oct. 20.

GADD, WILLIAM, Birmingham, blacksmith, Nov. 23, Birmingham. Off. Ass. Guest; Sol. Ladbury, Birmingham.—Pet. f. Oct. 19.

GOOLD, AARON AMOS, St. Anna's Lodge, near Little Dean, Gloucestershire, clerk to colliery proprietors, Nov. 6, Bristol. Off. Ass. Acraman; Sols. Smith, Gloucester; Bevan & Co., Bristol.—Pet. f. Oct. 21.

HARRISON, JOHN, Guisborough, Yorkshire, innkeeper, Nov. 5, Leeds. Off. Ass. Young; Sols. Caris & Co., Leeds.—Pet. f. Oct. 22.

HAWARD, SAMUEL, ROBERT, Lowestoft, Suffolk, butcher, Nov. 2, Lowestoft. Off. Ass. Chater; Sol. Leago, Lowestoft.—Pet. f. Oct. 20.

HAYWARD, CHARLES, Birmingham, out of business, Nov. 23, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Oct. 15.

HEWETSON, GEORGE, Cockermouth, Cumberland, innkeeper, Nov. 2, Cockermouth. Off. Ass. Waugh; Sol. Ramsay, Cockermouth.—Pet. f. Oct. 17.

HEY, RICHARD, Dewsbury, Yorkshire, woollen manufacturer, Nov. 5, Leeds. Off. Ass. Young; Sols. Chadwick, Dewsbury; Bond & Co., Leeds.—Pet. f. Oct. 22.

HICKEY, MICHAEL, Birmingham, grocer, Nov. 16, Birmingham. Off. Ass. Whitmore; Sol. Green, Birmingham.—Pet. f. Oct. 17.

HOBSON, WILLIAM, Wash-upon-Deane, Yorkshire, chemist, Nov. 7, Sheffield. Off. Ass. Young; Sols. Nicholson & Co., Wash-upon-Deane; Smith & Co., Sheffield.—Pet. f. Oct. 21.

HODGES, FREDERICK, Balsall-heath, Worcestershire, bricklayer, Nov. 23, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Oct. 21.

HOLTBY, WILLIAM DRIFFIELD, Haxby, near York, corn dealer, Nov. 6, York. Off. Ass. Perkins.—Adj. Oct. 13.

HOOK, JOHN, Hereford, innkeeper, Nov. 5, Hereford. Off. Ass. Reynolds; Sol. Garrold, Hereford.—Pet. f. Oct. 15.

KEMPSTER, ELIZABETH, Manchester, dealer in eggs, Nov. 5, Manchester. Off. Ass. Herniman; Sol. Swan, Manchester.—Pet. f. Oct. 15.

KILLNER, HENRY THOMAS, Gloucester, innkeeper, Nov. 6, Bristol. Off. Ass. Acraman; Sol. Wilkes, Gloucester.—Pet. f. Oct. 19.

KINGSLEY, JONAS, Kingston-upon-Hull, brassfounder, Nov. 4, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Jacobs, Hull.—Pet. f. Oct. 19.

LEIGHTON, WILLIAM, Kingston-upon-Hull, innkeeper, Nov. 3, Hull. Off. Ass. Phillips; Sol. Reed, Hull.—Pet. f. Oct. 16.

LEWELLYN, DAVID, Bridgend, Glamorganshire, builder, Nov. 6, Bristol. Off. Ass. Miller; Sols. Dalton & Co., Cardiff; Henderson, Bristol.—Pet. f. Oct. 19.

M'KEND, ROBERT, Skerton, near Lancaster, draper, Nov. 6, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Oct. 3.

MARSH, ABEL, Sheffield, stonemason, Nov. 11, Sheffield. Off. Ass. Wake; Sol. Patteson, Sheffield.—Pet. f. Oct. 21.

MARDES, JOHN, Stratford-upon-Avon, Warwickshire, carpenter, Nov. 2, Stratford-upon-Avon. Off. Ass. Hobbes; Sol. Graves, Stratford-upon-Avon.—Pet. f. Oct. 19.

MENDHAM, JAMES, Swaffham, Norfolk, plumber, Nov. 9, Swaffham. Off. Ass. Palmer; Sol. Wisnals, Swaffham.—Pet. f. Oct. 21.

MENDES, ROBERT HAMILTON, Melbourne, Derbyshire, Lieutenant in the Royal Navy, Nov. 3, Derby. Off. Ass. Waller; Sol. Leach, Derby.—Pet. f. Sept. 17.

NEAL, WILLIAM, Knighton, Leicestershire, out of business, Nov. 4, Leicester. Off. Ass. Ingram; Sol. Haxby, Leicester.—Pet. f. Oct. 17.

NICKLIN, JOHN VILE, Lowestoft, Suffolk, engine driver, Nov. 2, Lowestoft. Off. Ass. Chater; Sols. Chamberlin & Co., Lowestoft.—Pet. f. Oct. 20.

PARKINSON, WILLIAM, Over Darwen, near Blackburn, Lancashire, out of business, Nov. 6, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Oct. 5.

PETERS, GEORGE, Middle, Shropshire, tailor, Nov. 9, Shrewsbury. Off. Ass. Peale; Sol. Davies, Shrewsbury.—Pet. f. Oct. 19.

PIERCY, JOHN, York, grocer, Nov. 5, Leeds. Off. Ass. Young; Sols. Bond & Co., Leeds.—Pet. f. Oct. 22.

PODGER, JAMES, (and not ROBERT, as previously advertised), Weston-super-Mare, Somersetshire, baker, Oct. 30, Bristol. Off. Ass. Miller; Sol. Henderson, Bristol.—Pet. f. Oct. 14.

POWELL, JOHN, Kingsstone, Herefordshire, wheelwright, Nov. 5, Hereford. Off. Ass. Reynolds; Sol. Garrold, Hereford.—Pet. f. Oct. 14.

RIDLEY, WILLIAM, Burton Joyce, Nottinghamshire, trimming manufacturer, Dec. 16, Nottingham. Off. Ass. Paschke; Sol. Maples, Nottingham.—Adj. Oct. 19.

RILEY, JOHN BENJAMIN, Nottingham, slater, Nov. 16, Nottingham. Off. Ass. Harris; Sol. Maples, Nottingham.—Adj. Oct. 19.

ROPER, JAMES GUY, Whitehaven, Cumberland, rope maker, Nov. 5, Whitehaven. Off. Ass. Hodgkin; Sol. Hulston, Whitehaven.—Pet. f. Oct. 19.

## CONTENTS.

London Gazette.....	382
Leading Article.....	383
Books Received.....	384
Court Papers:—Equity Cause Lists, Mich. Term....	384
Common-law Cause Lists, Mich. Term	386
Statutes passed during the late Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Stevenson v. Abington.—(Will—Clause of forfeiture) .....	1063
Adsetts v. Hives.—(Mortgagor and mortgages—Fraud—Priority—Alteration in deed).....	1063
Hennessey v. Bray.—(Will—Construction—"Heirs" read "heirs of the body"—Clause of forfeiture—Notice—Account).....	1065
Richards v. Millett.—(Husband and wife—Parties—Separate estate) .....	1066

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

In re Stearic Acid Company.—(Public company—Notice—Meeting) .....	1066
---	------

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Loneragan v. Stourton and Others.—(Alleged fraudulent settlement—Notice of claim by creditor—Effect of notice—Motion to restrain from continuing notice) .....	1067
--	------

## VICE-CHANCELLOR STUART'S COURT—(continued).

In re The Trustees Relief Act, 11 & 12 Vict. c. 96, and in re The Trusts of the Will of Margaret Hayea.—(Will—Construction—"Survivors" not synonymous with "others"—Absolute gift to survivor) .....	1068
--	------

## COURT OF QUEEN'S BENCH.

By C. W. LOYEST, Barrister at Law.

Campbell v. Spottiswoode.—(Libel—Privilege—Bona fides) .....	1069
--	------

## COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

Turner and Smith v. Reynall.—(Medical Act (21 & 22 Vict. c. 90, s. 32)—Registration under the act) .....	1077
Ellis v. The Mayor, &c. of Bridgnorth.—(Market—Removal of stalls opposite premises—Local Government Act, 1858) .....	1078

## COURT OF PROBATE.

By DR. MIDDLETON.

In the Goods of William Coles, Deceased.—(Party beneficially interested bankrupt—Assignee of the official assignee—12 & 13 Vict. c. 106, s. 188) ..	1080
---	------

## HOUSE OF LORDS.

By J. T. HORWOOD, Barrister at Law.

Reg. v. The Wardens of the Saddlers Company.—(Corporation—Mandamus to restore—By-law—Reasonableness of—Insolvency—Election—Admittance obtained by misrepresentation) ....	1081
---	------

## THE JURIST.

LONDON, OCTOBER 31, 1863.

WE have recently had occasion (ante, p. 302) to review Mr. J. Fitzjames Stephen's work, entitled "A General View of the Criminal Law of England," a book written in a more philosophical spirit than legal treatises in general; in which he liberally praises the strong points of our criminal law, and exposes with much freedom several of its defects. This shews that the author has an opinion of his own, which, although we do not agree in all his strictures, renders his voice worthy of being heard on any proposed alteration in our system.

In one place, ch. 4, p. 105 et seq., Mr. Stephen points attention to the distinction which runs through the whole criminal law between offences which amount to felony and offences which are only misdemeanours, a subject, the rationale of which is not always understood, and which, if a reform of the criminal law should ever be undertaken, will require the well considered attention of the Legislature.

Considering the question in its broadest sense, and apart from nomenclature, we shall find that the laws of almost every country have divided offences into two great genera, the one comprising offences of the greater, and the other offences of the lesser nature. Thus, the civilians had their *crimina* and *delicta* (Matth. de Crim. Prolegom. cap. 1), expressions whence are evidently taken the *crimes* and *délits* of the French law, which are thus defined:—"L'infraction que les lois punissent des peines de police est une *contravention*. L'infraction que les lois punissent de peines correctionnelles est un *délit*. L'infraction que les lois punissent d'une peine afflictive et

infamante est un *crime*." (Code Pénal, "Dispositions Préliminaires.") Death and hard labour for life stand at the head of the list of "peines afflictives and infamantes." (Id., liv. 1, § 6). And Mr. Livingston's celebrated Code of Louisiana, Book of Definitions, defines *crime*, "An offence the punishment of which, in the whole or in part, may be the forfeiture of any civil or political right, or hard labour, or for which hard labour is an alternative, to be inflicted at the discretion of the Court." Misdemeanour is defined, "Any offence less in degree than a crime." The law of England, as already stated, has its classification of offences into felonies and misdemeanours, and in this the law of Scotland agrees. (Paterson's Comp. of English and Scotch Law, § 950).

The common-law notion of felony seems to have been an offence which rendered the criminal no longer fit to exist among his fellow-men, and accordingly prescribed for it the punishment of death (with the exception of petit larceny—i. e. stealing a sum not exceeding 12*d.*—an offence abolished by the 7 & 8 Geo. 4, c. 29, and the 24 & 25 Vict. c. 96), and added a forfeiture, which has been more or less extensive at the different periods of our law. Other offences were called misdemeanours. We have not thought it necessary to mention treason, for it may, for the present purpose, be looked on as an aggravated species of felony. And between felony and misdemeanour there are many other important distinctions. Thus, it is lawful to compound a misdemeanour, but not a felony. If at the common law a party was charged with misdemeanour, and the evidence disclosed that his conduct amounted to felony, he must have been acquitted, and a fresh indictment preferred for the felony; a principle which has been considerably modified, but not altogether abolished, by the 14 & 15 Vict. c. 100, s. 12.

Another very important distinction between treason and felony, and which Mr. Stephen (p. 110) most justly designates "a substantial distinction," remains to be mentioned—namely, that where a felony has been committed, any person may arrest the perpetrator, without waiting for the intervention of the officers of justice. A few moments' reflection will convince any person, that while in general private individuals ought not to be intrusted with the right of arresting other private individuals for infractions of the law, some offences are of such a character, either so heinous in themselves or so dangerous to society, that the necessity for the instantaneous arrest of the criminal overbears all other considerations.

In the course of time sundry acts which were not offences at the common law, such as sodomy, with-craft, &c., and others which were only misdemeanours by that law, such as various species of forgery, &c., were made felonies. And since the punishment of death has been removed from almost every felony, transportation, penal servitude, or imprisonment with hard labour, have been substituted for it. But as all these latter may, by force of various modern statutes, be inflicted for many misdemeanours, the punishment for an offence at the present day affords a very imperfect index to the class under which it ranges itself. Indeed, our legislators seem doing their utmost to confound all ideas on the subject; which we consider a great evil, as unsettling the minds of men relative to the quality of offences.

The consequence of this confusion is to introduce flagrant inconsistencies into the law. Thus, it seems a most incongruous thing, that a man may arrest a person whom he sees committing larceny to any amount, however small, because that is a felony, though punishable at most by penal servitude for three years (24 & 25 Vict. c. 96, s. 4), but may not do so for an overt act of conspiring to murder, because it is only a misdemeanour, although punishable with ten years' penal servitude (24 & 25 Vict. c. 100, s. 4). "If," remarks Mr. Stephen, ch. 4, p. 106, "the law of forfeiture were ever enforced, which it is not, the distinction between felony and misdemeanour would produce revolting injustice. It would be monstrous that one man should forfeit his property for stealing 1s., and that another should retain his, though he had obtained 10,000*l.* by conspiracy, false pretences, or perjury. Again: it is equally absurd, that in the case of a trifling theft, the prisoner should have the right of peremptorily challenging twenty jurors, whilst a man accused of perjury might see his bitterest enemy in the jury box, and be unable to get rid of him as a juror, unless he could give judicial proof of his enmity."

The laws of France and of Louisiana, as we have seen, make the character of the crime dependent on the nature of the punishment inflicted. The idea is a good one, and yet it might be difficult to carry it out in all cases. Suppose the infliction of penal servitude were constituted the test of felony, as a "peine afflictive et infamante;" it would be hard to deny that perjury and attempts to commit unnatural offences were infamous crimes, and yet it is a grave question whether they ought to be ranked as felonies. But whatever the true solution of the difficulty, it is impossible to doubt that the present state of things calls for remedy.

**CORRIGENDA.**—In the leading article of last week, p. 371, col. 1, line 6 from bottom, *erase* "or;" p. 372, col. 2, line 25 from top, for "it" read "them;" *Id.*, line 14 from bottom, for "friend" read "fiend."

## BOOKS RECEIVED.

The Law of Copyright in Works of Literature and Art, and in the Application of Designs; with the Statutes relating thereto. By Charles Palmer Phillips, of Lincoln's-inn, Esq., Barrister-at-Law, Author of 'The Law of Lunacy.'—V. & R. Stevens, Sons, & Haynes. 1863.

A Handy-book of the Law of Copyright, comprising Literary, Dramatic, and Musical Copyright, and Copyright in Engravings, Sculpture, and Works of Art; with an Appendix, containing the Statutes, Convention with France, and Forms under the 25 & 26 Vict. c. 68. By F. P. Chappell & John Shoard, LL.D.—Sweet. 1863.

Solicitors' Book-keeping; to which is added, a complete System of Rental Accounts, adapted for Landowners, Solicitors, Land and Estate Agents, Executors, Mortgagees in Possession, &c. By George James Kain, F.S.S. Seventh Edition.—Kain & Sparrow. 1863.

## Court Papers.

## EQUITY CAUSE LISTS, MICHAELMAS TERM, 1863.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. C.* Further Consideration—*F. D.* Further Directions—*M.* Motion—*M. D.* Motion for Decree—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*Sp. C.* Special Case—*S. O.* Stand Over—*Sh.* Short.

## Before the LORD CHANCELLOR and the LORDS JUSTICES.

APPEALS.		
Hannah v. Hodgson (R., May 7) L. C.		Leather Cloth Co. v. American Leather Cloth Co. (W., July 17) L. C.
Greenwood v. Greenwood (K., June 3)		Beaton v. Marriott (S., July 18)
Hall v. Barrows (R., June 23) L. C.		Adams v. Sworder (S., July 20)
Reeve v. Whitmore } (K., June 24) L. C.		Bagot v. Bagot (R., July 20) L. C.
Martin v. Whitmore }		Earl of Portarlington v. Damer (K., Aug. 6) L. C.
Sir J. Walsham, Bart., v. Stainton (W., June 27)		Shrubsole v. Schneider } (K., Aug. 21) L. C.
Schofield v. Lockwood (R., June 27) L. C.		Schneider v. Shrubsole }
Suffield v. Brown (R., June 30) L. C.		Foster v. Harvey (W., Aug. 31)
Rhodes v. Rhodes (W., July 2)		Haworth v. Smith (V. C. of the County Palatine of Lancaster, Oct. 20)
Smith v. Leveaux (W., July 4)		Hays v. Astley (V. C. of the County Palatine of Lancaster Oct. 20)
Coventry v. Barclay (R., July 6) L. C.		Eastwood v. Lever (V. C. of the County Palatine of Lancaster Oct. 20)
Greenhill v. Smart (S., July 8)		
Sidney v. Wilmer (R., July 8) L. C.		
Mortimer v. Picton (R., July 9) L. C.		
Phillipson v. Kerry (R., July 9) L. C.		
Johnson v. Wyatt (W., July 16)		
Reebiet v. Burridge & 2 other causes (R., July 17) L. C.		

## CAVANA.

Buxendale v. West Midland Railway Co. (M D, part heard) L. C.  
Spencer v. Jack (Ap M) } L.  
Same v. Same (M D) } Cl  
Thomas v. Walker (M D).

*Before the Right Hon. the MASTER OF THE ROLLS.*

## CAUSES, &amp;c.

Clark v. Eversfield (M D)  
 Earnshaw v. Bradbury (M D)  
*Nov. 10*  
 Cood v. Cood (M D)  
 Boyd v. Radcliffe (M D)  
 Williams v. Williams (M D)  
 Hearn v. Caffary (M D)  
 Parton v. Parton (M D) *SA*  
 Evans v. Oliver (M D)  
 Holmes v. Dickson (Cause)  
 Ormerod v. Rostron (F C)  
 Gatyay v. Flather (M D)  
 Amis v. Witt (Cause)  
 Marter v. Marter (M D)  
 Att.-Gen. v. Dangars (M D)  
 Ramsden v. Marsden (M D)  
 Walrond v. Earl of Rosalyn (Cause)  
 Cutler v. Larchin (M D)  
 Hughes v. Hughes (M D)  
 Walker v. Walker (M D)  
 North v. Burn (M D)  
 Blogg v. Johnson (M D)  
 Foster v. Elgin (M D)  
 Godfrey v. Tucker (Cause)  
 Bruce v. Morison (Cause)  
 Percy v. Percy (M D)  
 Dossell v. Governor and Co. of the Bank of England (M D)  
 Elmslie v. Ingram (M D)  
 Acom v. Beckett (M D)  
 Abadam v. Abadam } (F C, S.  
 Abadam v. Abadam } to vary)  
 Davidson v. Chalmers (M D)  
 Thornton v. Thornton (M D)  
 Fitzwilliams v. Beynon (Cau.)  
 Carman v. Apps (M D)  
 Stock v. Collard (M D)  
 Sexton v. Sexton (M D)  
 Foss v. Bassano (F C)  
 Coates v. Coates (F C)  
 Steel v. Walker (M D)  
 Roberts v. Edwards (F C)  
 In re Rigby } (F C)  
 Jennings v. Rigby }  
 Phillips v. Phillips (F C)  
 Hand v. Woodhouse (M D)  
 Nelson v. Bealby (F C)  
 Wetenhall v. Dennis (F C)  
 Mortimer v. Mortimer (M D)

Honeywood v. Forster (F C)  
 Broughton v. Brown (M D)  
 Tompsett v. Tompsett (F C)  
 Williams v. Williams (Cause)  
 Ward v. Day (M D)  
 Edmonds v. Onslow (M D)  
 Harward v. Marsh (F C)  
 Robertson v. Collett (Cause, Summons to vary certif.)  
 Terry v. Terry (F C)  
 Eady v. Seadlock (F C)  
 Price v. Harris (F C)  
 H. Cross v. J. Cross (M D)  
 Batchelor v. Howard (F C)  
 In re Hughes } (F C)  
 Greenall v. Hughes }  
 Smith v. Bolden (M D)  
 Jones v. Cole (F C)  
 Gorst v. Cox (Cause)  
 Markwell v. Bull (M D)  
 Whittich v. Spaeth (M D)  
 Talbot v. Kent (Cause)  
 Greenough v. Shorrock (M D)  
 Godley v. Godley (F C)  
 Spittle v. Hughes (M D)  
 Tonks v. Crump (M D)  
 In re Playford } (F C)  
 Horth v. Playford }  
 Bates v. Hall (M D)  
 Smith v. Sarll (M D)  
 Hardy v. Calvy (M D)  
 Harrison v. Cole (Record for trial by jury)  
 Apsley v. Evans (F C)  
 Fane v. Richards (F C)  
 Dutton v. Crowdy (M D)  
 Jones v. Lavender (F C)  
 Bloxam v. Rogers (M D)  
 Gibbons v. Holden (M D)  
 Tyler v. Mashiter } (Cau.)  
 Edwards v. Mashiter }  
 Janson v. Fellows (F C)  
 Montagu v. Earl of Sandwich (Cause)  
 North-eastern Railway Co. v. Bray (M D)  
 Morris v. Pittman (M D)  
 Mason v. Broadbent (M D)  
 David v. Jones (Cause).

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

## CAUSES, &amp;c.

Bridgwater v. De Winton (E to answer)  
 Ernest v. Vivian (Cause)  
*Nov. 3*  
 Forbes v. Tanner (M D)  
 Buckeridge v. Whalley (Re-hearing)  
 Wykle v. Radford (Re-hear.)  
 Mason v. Bridges (M D)  
 Felkin v. Lord Herbert (M D)  
 Hunter v. Belcher (Cause)  
 Gardner v. Evans (F C)  
 Stoneham v. Dixon (F C)  
 Green v. Gascoyne (F C)

Quance v. Major (F C)  
 Att.-Gen. v. Bunce (M D)  
 Drake v. Blackwell (M D, and Ptn in Garrett v. Lancefield)  
 Braddon v. Kelly (F C)  
 Lowndes v. Bittle (Cause)  
 Att.-Gen. v. Marchant (M D)  
 Official Manager of the British Provident Life and Fire Assurance v. Norton (Cause)  
 Farley v. Turner (F C)  
 Lawrence v. Maule (F C)  
 Sweeting v. Sweeting (M D).

*Before the Vice-Chancellor Sir JOHN STUART.*

## CAUSES, &amp;c.

Hemings v. Pugh (D)  
 Roberts v. Jones (M D)  
 Thornton v. Ramsden (M D)  
 Mitchell v. Wyndham (M D)  
 Smooty v. Rumball (M D)

Sir F. Currie, Bart., v. Lar-kins (M D)  
 Bargent v. Thomson (M D)  
 Poslethwaite v. Travers (M D)  
 Ancona v. Robinson (M D)

Yetta v. Hifton (M D)  
 Bean v. Williams (Cause)  
 Re Grant's Es- } (F C, from  
 tate } chambers,  
 Grant v. Grant } and Suma.  
 Rowlands v. Allberry (M D)  
 Standland v. Seaton (M D)  
 Willson v. Featherstone (F C)  
 Berrow v. Berrow (M D)  
 West v. Brooke (M D)  
 Rackham v. De la Mare (M D)  
 Waterton v. Wright (Cause)  
 Hollings v. Brooke (Cause)  
 James v. Magnay (M D)  
 Curry v. Ward (M D)  
 West v. Borrett (M D)  
 Godfrey v. Whitehead (M D)  
 Marsh v. Peacocke (M D)  
 Nicholson v. Hall (Cause)  
 Ion v. Jenkins (Cause)  
 Helliwell v. Ward (M D)  
 Walters v. Townsend (M D)  
 Cole v. Arbuthnot (M D)  
 Croft v. Croft (M D)  
 Futvoye v. Kennard (M D)  
 Futvoye v. Kennard (Cause)  
 Hooker v. Steele (M D)  
 King v. King (M D)  
 Vickers v. Bell (Cause)  
 Bell v. Vickers (Cause)  
 Rickards v. Cleare (M D)  
 Crossley v. Lord (M D)  
 Groome v. Dell (M D)  
 M'Donald v. Richard-son } (F C,  
 son } M)  
 Richardson v. Martin }  
 Bulkeley v. Stephens (F C,  
 Sum., Ptn)  
 Gates v. Buckland (Cause)  
 Bull v. Withey (M D)  
 Barkworth v. Barkworth (M D)  
 Farrar v. Farrar (M D)  
 Sir H. Seale, Bart., v. Hayne (M D)  
 Wiethsbach v. Scott (M D)  
 Lee v. Strand Music Hall Co. (Limited) (M D) \*  
 Beadel v. Pitt (M D)  
 Gurnell v. Gardner (M D)  
 Dennison v. Hoskins (Cause)  
 Knight v. Lewis (M D)  
 Moecrop v. Sandeman (M D)  
 Twynam v. Sandeman (M D)  
 Twynam v. Sandeman (M D)  
 Battensaby v. Hugill (M D)  
 Hall v. Kennedy (M D)  
 Mitchell v. Hocking (M D)  
 In re Beeson } (F C, adj.  
 Beeson v. Edge } from cham.)  
 Briten v. Dodd (Cause)  
 Pritchard v. Davies (Cause)  
 Doubell v. Collett (Cause)  
 Jeffcott v. Clarke (M D)  
 Newdick v. Land (M D)  
 Cann v. Marris (Cause)  
 Crosswell v. Dewell (Cause)  
 Coffin v. Coffin (M D)  
 Blenkinsop v. Harland (M D)  
 Taylor v. Sparrow (M D)  
 Townsend v. Buckle (M D)  
 Hilton v. Sewell (Cause)

Arkecoll v. Lamb (M D)  
 Shaw v. Mitchell (M D)  
 Traill v. Baring (M D)  
 Dickson v. Dickson (M D)  
 Arnold v. Burrell (M D)  
 Smith v. Tattersall (M D)  
 Gowing v. Mowbray (M D)  
 Menday v. Cripps (F C)  
 Shafto v. Adams (Cause)  
 Bellin v. Salmon (Cause)  
 Setchfield v. Barnby (F C)  
 Skelton v. Arnold (F C)  
 Ross v. Dean (F C)  
 Jones v. Casson (Cause)  
 Copland v. Price (F C)  
 Thorpe v. Mattinson (M D)  
 Moore v. Browne (F C, M)  
 Lowndes v. Norton (M D)  
 Howe v. Howell (Cause)  
 Woodburne v. Settle (F D)  
 Settle v. Burns (F C)  
 Roxby v. Sisson (M D)  
 Rodney v. Butcher (F C)  
 Burlton v. Griffiths (M D)  
 Small v. Taylor (F C)  
 Spirett v. Willows (Cause)  
 Simmons v. Simmons (F C)  
 Rhodes v. Liscombe (Cause)  
 Fray v. Drew (Cause)  
 Pearson v. Hofman (F C)  
 Jones v. Chapman (F C)  
 Williamson v. Sanderson (M D)  
 Butler v. James (M D)  
 Hill v. South Staffordshire Railway Co. (Cause)  
 Margitson v. Hall (F C)  
 Tidbury v. Willaume (F C)  
 Coppard v. Allen (Cause)  
 Taylor v. Lee (M D)  
 Locking v. Power (F C)  
 Robbins v. Reeve (M D)  
 Chadwick v. Chadwick (M D)  
 In re Elliot } (F C,  
 Llewellyn v. Ed- } from  
 wards } chamb.)  
 Parkin v. Gummersall (M D)  
 Adams v. Evan (F C)  
 Kelsey v. Read (M D)  
 Thomas v. Flockton (M D)  
 Elliot v. Ince } (F C)  
 Elliot v. Ince }  
 Baillie v. Baillie (Cause, P C)  
 Secretary of State in Council for India v. Kelson (F C)  
 Macnaghten v. Smith (F C)  
 Gannon v. Gannon (M D)  
 Goodwin v. Braine (F C)  
 Noel v. Noel (M D)  
 Deaken v. Spittle (Cause)  
 Brandreth v. Brandreth (F C)  
 Dillon v. Ashwin (M D)  
 Bailey v. Bryson (M D)  
 Selby v. Bowie (F C)  
 Williams v. Headland (F C)  
 Visct. Arbuthnot v. Arnott (F C)  
 Alston v. Orme (M D)  
 West v. Rutherford (Cause)  
 Bowman v. Clark (M D)  
 Law v. Buck } (F C)  
 Buck v. Hartley }  
 Carew v. Cooper (M D).

*Before the Vice-Chancellor Sir W. P. WOOD.*

## CAUSES, &amp;c.

Davenport v. Davenport (M D, M to vary certificate)  
 Brockman v. Polson (Cause)  
 Apps v. Oliver (M D)

Park v. Hind (E to answer)  
 Leaf v. St. John (D)  
 Bethel v. Casson (E to ans.)  
 Singleton v. Selwin (5 Ds)



Knox v. Gye (M D)  
 Tompsett v. Harmer (F C)  
 Frampton v. Webb (M D)  
 Hardman v. Flahwick (M D)  
 Morrell v. Stephens (Cause)  
 Maddick v. Tallis (M D)  
 North Staffordshire Railway  
 Co. v. Lawton (Cause)  
 Boore v. Lane (M D)  
 Santler v. Plunkett (M D)  
 Ashcombe v. Ashcombe (M  
 D)  
 Barber v. Hall (M D)  
 Parsons v. North (M D)  
 Foster v. Gladstone (M D)  
 Beavill v. Sheehy (M D)  
 Molyneux v. Robinson (F C)  
 Royston v. Royston (M D)  
 Smith v. Howden (F C)  
 Roscoe v. Lace (M D)  
 Smith v. Robin (M D)  
 Edye v. Addison (M D)  
 Swaine v. Great Northern  
 Railway Co. (M D)  
 Hoare v. Hoare (Cause)  
 Flockton v. Peake (Cause)  
 Freeman v. Ellis (M D)  
 Carlon v. Sercombe (M D)  
 Haward v. Ray (M D)  
 Neale v. Luckie (Cause)  
 River Fergus Navigation and  
 Embankment Co. v. Cahill  
 (M D)  
 Attorney-General v. Sitting-  
 bourne and Sheerness Rail-  
 way Co. (M D)  
 Smith v. Whitmore (Cause)  
 Merton v. Myers (M D)  
 Lightfoot v. Burstall (M D)  
 Middleton v. Greenwood (Ca.)  
 Fletcher v. Bridget (Cause)  
 Owen v. Davies (M D)  
 Morgan v. Great Eastern  
 Railway Co. (M D)  
 Cordery v. Pope (M D)  
 Williams v. Russell (M D)  
 Root v. Robinson (M D)  
 Clowes v. Garraway (M D)  
 Underhill v. Powell (M D)  
 Carter v. Morgan (M D)  
 Patrick v. Yeatherd (M D)  
 Shedlock v. Horn (Cause)  
 Smith v. Etches (Cause)  
 Payne v. Parker (M D)  
 Att.-Gen. v. Naylor (Cause)  
 Sir F. L. H. Goodricke, Bart.,  
 v. Taylor (M D)  
 Theyer v. Tombs (Cause)  
 Hick v. Hick (M D)  
 Goodwin v. Lee (Cause)  
 Morrall v. Girdleston (M D)

Brooke v. Lord Mostyn (Cau.)  
 Cowgill v. Rhodes (M D)  
 Spurway v. Spurway (F C)  
 Bedford v. Frodsham (M D)  
 Barker v. Young (M D)  
 Att.-Gen. v. Metropolitan  
 Board of Works (M D)  
 Lloyd v. Holford (M D)  
 Brookes v. Boucher (M D)  
 Taylor v. Taylor (F C)  
 Clarkson v. Edge (M D)  
 Boyes v. Bedale (F C)  
 Timothy v. Hindley (M D)  
 Strand Hotel Co. (Limited)  
 v. Wieland (M D)  
 Gill v. Gray (M D)  
 Hendrick v. Wood (M D)  
 Franks v. Heath (F C)  
 Eyre v. Burmester (Cause)  
 Nixon v. Allen (M D)  
 Att.-Gen. v. Greenhill (M D)  
 Bartlett v. Reeves (M D)  
 Ash v. Ash (M D)  
 Eames v. Anstee (M D)  
 Harbert v. Bate (F C)  
 Cooper v. Purton (Cause)  
 Brown v. Simpson (M D)  
 Chorley v. Loveband (M D)  
 Pares v. Pares (F C)  
 Davenport v. Winter (M D)  
 In re Wetherell } (F C)  
 Smith v. Wetherell }  
 Smith v. Barlow (M D)  
 Boddy v. Dolman (F C)  
 Windham v. Guibelei (F C)  
 Elliott v. Hooper (F C)  
 Johnson v. Halleley (M D)  
 Nield v. Nield (F C)  
 Barrup v. Twells (M D)  
 Woodward v. Marsden (Sp C)  
 Beckett v. Field (M D)  
 Cutler v. Cutler (M D)  
 Reeves v. Adams (M D)  
 Woodward v. Boulton (M D)  
 Kitchen v. Humble (Cause)  
 Lowndes v. Garnett & Mosely  
 Railway Co. (M D)  
 Basham v. Rowe (F C, and  
 Summons to vary)  
 Horsfall v. Horsfall (F C, and  
 Summons to vary)  
 Horsfall v. Hulbert (F C)  
 Att.-Gen. v. Boyle (M D)  
 Forder v. Stevens (M D)  
 Lambert v. Rendle (F C)  
 Billing v. Billing (F C)  
 Barnes v. Jennings (M D)  
 Webster v. Webster (M D)  
 Hoskins v. Campbell (M D)  
 Lewin v. Allen (F C).

Lond.—Hurrell v. Bullard  
 — Adams v. Graham  
 — Same v. Same  
 — Fitch & an. v. St. George  
 — Bulgin v. Frankenstein  
 Kent—Lister v. Hannen  
 Norfolk—Coe v. Wise  
 Durham—Slater v. Mayor of  
 Sunderland

*Tried during Term.*  
 Midd.—Lacy v. Rhys  
 Lond.—Goss v. Scoones  
 — Wishart & an. v. Fowler  
*Moved Trin. Term, 1863.*  
 Midd.—Jordan v. Gibbon  
 — King v. England  
 Lond.—Harrington v. Burns.

## SPECIAL PAPER.

Those marked thus \* are Special Cases, and thus † De-  
 murrers.

## FOR JUDGMENT.

\*Cator v. Lewisham Board of  
 Works

## FOR ARGUMENT.

\*Great Western Railway Co.  
 v. Ramage  
 †Worthington v. Sudlow (Case  
 to be stated)  
 †Gill v. Summers (Stands ov.)  
 †Green v. Shafto (Struck out  
 by consent)  
 †Taylor v. Shafto  
 †Gee & ors. v. Pack  
 \*Subil v. Springfield & ors.  
 \*Laycock v. Pullan (Struck  
 out by consent)  
 †Cox v. Cooper  
 Laycock v. Pickles (Ap.)  
 †Clepham v. Atkinson

†Prinnger v. Matthews  
 †Horton & an. v. Norwich &  
 Spalding Railway Co.  
 †Adams & ors. v. Cattlin  
 †Taylor & ors. v. Dewar  
 \*†Carr v. Montefiore, Bart.  
 \*Carr v. Royal Exchange As-  
 surance Corporation  
 †Earl of Coventry v. Willes  
 †Robson v. Levey & ors.  
 †Webster v. Laird  
 †Pariente v. Bake  
 †Fray v. Earl and Countess of  
 Zetland  
 †White v. Bennett  
 \*Gumm v. Tyrie  
 †Lloyd v. Grubert & ors.  
 †Mulready v. Lord Ebury  
 \*M'Millan v. Powles  
 \*Parsons v. Edwards Wood.

## ENLARGED RULES.

*First Day.* In re S. H. Barrow, Grant v.  
 In re R. A. Blackett & ors. Abbess.

## Court of Common Pleas.

## NEW TRIALS.

*Moved Mich. Term, 1863.*  
 Worcester—Chellingworth v.  
 Reid

*Moved Trin. Term, 1863.*  
 Midd.—Turk v. Barber  
 — Allard v. Bourne  
 Lond.—Johnson v. Steer.

## DEMURRER PAPER.

## SPECIAL ARGUMENTS.

*Saturday, Nov. 7.*  
 Naylor v. Mortimore (D, case  
 when signed to be argued  
 herewith)  
 Wood v. Wimbledon & Dork-  
 ing Railway Co. (Case from  
 Nisi Prius)  
 Hodgson v. Little (Ap., case  
 remitted for amendment)  
 Booth v. Gair (Sp. C., by ord.)  
 Baird v. Williamson (D.)  
 Rosewarne v. Billing (D)  
 Barber & ors. v. Nottingham  
 and Grantham Railway and  
 Canal Co. (D.)  
 Montefiore, Bart., v. Lloyd  
 (Sp. C., by order)  
*Saturday, Nov. 14, and Thursday, Nov. 19, Special  
 Arguments.*

*Thursday, Nov. 12.*  
 Ringland v. Lowndes (Case,  
 Nisi Prius)  
 Smith v. Stevens (D.)  
 Simpson v. Ryder (Case, Nisi  
 Prius)  
 Dakin v. Oxley (D.)  
 Submarine Telegraph Co. v.  
 Dickson (D.)  
 Smart v. Jones (D.)

Vanguelin v. Bonard (D.)  
 Eaton v. Davison (D.)  
 Absolom v. Fletcher (Sp. C.,  
 by order)  
 Felkin v. Berridge (Ap.)  
 Savage v. Brook (Ap.)

COMMON-LAW CAUSE LISTS, MICHAELMAS  
 TERM, 1863.

## Court of Queen's Bench.

## NEW TRIALS.

## FOR JUDGMENT.

Glamorg.—Richards v. Mor-  
 gan  
 — Morgan v. Morgan

## FOR ARGUMENT.

*Moved Trin. Term, 1862.*  
 Midd.—Tennant v. Bankart  
 (Standing for arrangement)  
*Moved Mich. Term, 1862.*  
 Chester—Reg. v. Lord Dela-  
 mere & ors.

Glamorgan — Reynolds v.  
 Crawley (Not till Crawley  
 v. Reynolds disposed of)

*Moved Hil. Term, 1863.*

Midd.—Ruttinger v. Temple

*Tried during Term.*

Midd.—Bailey v. Edwards

*Moved Easter Term, 1863.*

Midd.—Clutterbuck v. Deeks

— Francis v. Brown

— Granville v. Hayward

## ENLARGED RULES.

Edwards & ors. v. Kilkenny  
 Railway Co.  
 Same v. Same  
 In re Poole ex parte Howes  
 Same ex parte Spraggett  
 In re Jones  
 Ex parte Keeling and South-  
 eastern Railway Co.

Ex parte Cary and Same  
 In re White v. Steele & an.  
 Morris v. Latour (Cox & Co.  
 garnishees)  
 Sirman & an. v. Gelpecke &  
 ors. (Goschen, garnishee.  
 Until case in Exchequer  
 Chamber disposed of).

## CUR. ADV. VULT.

**Aldridge v. Great Western Railway Co.** (Stand over for case in House of Lords)  
**Robins v. Jones** | **Pigott v. Cubley** (Stand over until **Johnson v. Stear** has been disposed of)  
| **Jolly v. Rees.**

**NEW QUEEN'S COUNSEL.**—It is said that John Gray, Esq., J. J. Powell, Esq., M.P., and W. H. Cooke, Esq., all of the Oxford Circuit, will be called inside the bar in the approaching term.

The Supreme Court at Calcutta has appointed an official reporter to record its proceedings. Mr. Walker Marshall, reporter for the Weekly Reporter in the Court of Exchequer, and author of a treatise on the duties of railway companies as carriers, &c., has been selected for the office. The salary is 1200*l.* a year, with, we believe, the right to practise at the bar.

**SANDERS, EDWARD**, Hanley, Staffordshire, groom, Nov. 7. *Off. Ass. Challinor; Sol. Sutton, Burslem.*—*Pet. f. Oct. 20.*  
**SCALE, WILLIAM ALBERT**, Brighton, out of business, Nov. 7. *Off. Ass. Blaker; Sol. Goodman, Brighton.*—*Pet. f. Oct. 15.*  
**SCOTT, JAMES**, Bewaldeth and Setmurthy, Cumberland, farmer, Nov. 6. *Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Hodge & Co., Newcastle-upon-Tyne.*—*Pet. f. Oct. 19.*  
**SLATER, JOSEPH**, Birmingham, ivory turner, Nov. 23. *Birmingham. Off. Ass. Guest; Sol. Sargent, Birmingham.*—*Pet. f. Oct. 30.*  
**SMITH, EDWARD**, Oldswinford, Worcestershire, builder, Nov. 16. *Birmingham. Off. Ass. Kinnear; Sols. Bedford, Stourbridge; James & Co., Birmingham.*—*Pet. f. Oct. 21.*  
**SPARKS, WILLIAM**, Drayton, Oxfordshire, farmer, Nov. 10. *Banbury. Off. Ass. Fortescue; Sol. Kirby, Banbury.*—*Pet. f. Oct. 17.*  
**STANDVEN, THOMAS**, Halifax, Yorkshire, millwright, Nov. 6. *Halifax. Off. Ass. Dyson; Sols. Wavell & Co., Halifax.*—*Pet. f. Oct. 31.*  
**STUCKER, JOHN**, Clevedon, Somersetshire, livery-stable keeper, Nov. 6. *Bristol. Off. Ass. Miller; Sol. Henderson, Bristol.*—*Pet. f. Oct. 21.*  
**SYLVESTER, JOSEPH**, Louth, Lincolnshire, watchmaker, Nov. 4. *Kingston-upon-Hull. Off. Ass. Carrick; Sol. Chester, Hull.*—*Pet. f. Oct. 21.*  
**TOLLEY, JOHN DAVE**, Birmingham, out of business, Nov. 23. *Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.*—*Pet. f. Oct. 20.*  
**TUMMEY, DISNEY**, Wednesbury, Staffordshire, draper, Nov. 3. *Walsall. Off. Ass. Clarke; Sol. Slater, Darlaston.*  
**TURNER, JOHN**, Eccleston, within St. Helena, Lancashire, painter, Nov. 6. *St. Helena. Off. Ass. Ansell; Sol. Marsh, St. Helena.*—*Pet. f. Oct. 21.*  
**VINE, JOHN**, Ipswich, Suffolk, out of business, Nov. 5. *Ipswich. Off. Ass. Frytman; Sol. Moore, Ipswich.*—*Pet. f. Oct. 31.*  
**WAGSTAFF, JOHN**, Bawtry, Yorkshire, cattle dealer, Oct. 29. *Doncaster. Off. Ass. Mason.*—*Pet. f. Sept. 18.*  
**WILSON, GEORGE**, Clay Cross, Derbyshire, carrier, Nov. 17. *Chesterfield. Off. Ass. Wake; Sol. Cutts, Chesterfield.*—*Pet. f. Oct. 19.*  
**WOODHOUSE, EPERAINE**, New Lenton, Nottinghamshire, furniture dealer, Dec. 16. *Nottingham. Off. Ass. Patchitt; Sol. Ashwell, Nottingham.*—*Pet. f. Oct. 20.*

## BANKRUPTCY ANNULLED.

**FRANKHAM, GEORGE SAMUEL**, Mead-row, Westminster-road, Lambeth, builder.

## PARTNERSHIP DISSOLVED.

**GRAVILLE, FENISTON GROSVENOR**, and **TUCKER, JOHN**, St. Swithin's-lane, City, attorneys and solicitors.

## TUESDAY, Oct. 27.

## BANKRUPTS.

## To be heard in London.

**BRAINER, ROBERT**, Lowestoft, Suffolk, wholesale fish dealer, Nov. 17. *Off. Ass. Stansfeld; Sol. Price, 12, Serjeant's-lane, Fleet-street.*—*Pet. f. Oct. 15.*  
**BRODIE, ALEXANDER**, Brook-green-terrace, Hammer-smith, and Prince-street, Hanover-square, tailor, Nov. 12. *Off. Ass. Graham; Sol. Lewis, 23, Great Marlborough-street.*—*Pet. f. Oct. 21.*  
**BURNELL, ROBERT**, Grove-street, Lisson-grove, and Paddington-street, Marylebone, gas fitter, Nov. 23. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Oct. 22.*  
**CAILE, JOSEPH**, Gifford-terrace, Blue Anchor-lane, Bermondsey, out of business, Nov. 17. *Off. Ass. Stansfeld; Sol. Childley, 25, Old Jewry.*—*Pet. f. Oct. 21.*  
**CHANTER, JONAS**, Berkeley-mews West, and Connaught-square-mews, coach painter, Nov. 17. *Off. Ass. Stansfeld; Sol. Hill, 10, Basinghall-street.*—*Pet. f. Oct. 21.*  
**CLAYTON, JAMES HENRY**, Serle-street, Lincoln's-inn, and Guildford-street, attorney-at-law, Nov. 12. *Off. Ass. Graham; Sols. Hughes & Co., 1, Saint Swithin's-lane.*—*Pet. f. Oct. 23.*  
**DANN, WILLIAM**, Palace-road, Wells-street, South Hackney, saddler, Nov. 12. *Off. Ass. Graham; Aldridge, 46, Moorgate-street.*—*Pet. f. Oct. 22.*  
**DINLEY, ABRAHAM SHARP WILLIAM**, Lambeth-walk, baker, Nov. 17. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 30.*

**ELLIOTT, ROBERT**, Grove-street, Commercial-road East, catrap manufacturer, and Fenchurch-street, City, wine agent, Nov. 23. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Oct. 22.*  
**EVANS, GEORGE THOMAS**, Bond-street, Vauxhall, smith, Nov. 12. *Off. Ass. Graham; Sol. Hare, 66, Basinghall-street.*—*Pet. f. Oct. 22.*  
**FENTON, WILLIAM**, Garway-road, Westbourne-grove, surgeon, Nov. 12. *Off. Ass. Graham; Sols. Matthews & Co., 102, Leadenhall-street.*—*Pet. f. Oct. 22.*  
**FORSTER, WILLIAM CHARLTON**, Lower-marsh, Lambeth, agricultural chemist, Nov. 17. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 30.*  
**FOX, ALFRED**, Shooter's Hill-road, Kent, farmer, Nov. 23. *Off. Ass. Stansfeld; Sol. Kisch, 8, Lancaster-place, Strand.*—*Pet. f. Oct. 14.*  
**FRASER, EDMUND WILLIAM**, Angelsea-villas, Wellington-road, New-road, Hammer-smith, beer retailer, Nov. 17. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 21.*  
**GRIFF, RICHARD JAMES**, Mason's-avenue, Basinghall-street, tailor, Nov. 9. *Off. Ass. Graham; Sols. Reed & Co., 3, Gresham-street.*—*Pet. f. Oct. 16.*  
**JONES, CHARLES**, Vine-cottage, Kensall New-town, carrier, Nov. 12. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 21.*  
**JONES, JOHN WILLIAM**, Kennington-terrace, Kennington-lane, apothecary, Nov. 17. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 20.*  
**LEAD, HENRY**, Smithfield-bars, hairdresser, Nov. 12. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 21.*  
**LOCKWOOD, JAMES ROBERTS**, Victoria-road, Old Ford-road, Bow, out of business, Nov. 17. *Off. Ass. Stansfeld; Sols. Marshall & Co., 12, Hutton-garden.*—*Pet. f. Oct. 22.*  
**MARKWELL, DANIEL**, Wick-road, South Hackney, linendraper, Nov. 12. *Off. Ass. Graham; Sol. Moss, 30, Goscote-street.*—*Pet. f. Oct. 24.*  
**MASLEN, JAMES**, Shoreditch, china dealer, Nov. 12. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 21.*  
**MERCHANT, JOHN**, Marylebone-road, waterman, Nov. 17. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 21.*  
**NIXON, JOHN**, Francis-street, Hampstead-road, coal merchant, Nov. 12. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.*  
**NORRIS, THOMAS**, Bermondsey New-road, Bermondsey, brush maker, Nov. 17. *Off. Ass. Stansfeld; Sol. Silvester, 18, Great Dover-street.*—*Pet. f. Oct. 22.*  
**OTTLEY, WILLIAM HENRY**, Dowgate-hill, City, grocer, Nov. 10. *Off. Ass. Stansfeld; Sols. Hudson & Co., 23, Bucklersbury.*—*Pet. f. Oct. 17.*  
**PARKER, MATTHEW**, Crispin-street, Bishopsgate-street Without, labourer, Nov. 9. *Off. Ass. Graham; Sol. Feverley, 73, Coleman-street.*—*Pet. f. Oct. 22.*  
**PINHOAN, ROBERT**, West Cowes, Isle of Wight, general dealer, Nov. 9. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 15.*  
**RANLEY, JAMES**, Caledonian-road, Islington, carpenter, Nov. 9. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 21.*  
**RUST, FREDERICK**, Great Waltham, Little Waltham, and Telling, Essex, corn merchant, Nov. 9. *Off. Ass. Stansfeld; Sols. Blood & Co., Witham; Duffield, 30, Cornhill.*—*Pet. f. Oct. 24.*  
**SCHAFER, JACOB**, Upper Mansfield-place, Kentish-town-road, chandelier-keeper, Nov. 9. *Off. Ass. Stansfeld; Sol. O'Nash, 27, Arlington-street, New North-road, Islington.*—*Pet. f. Oct. 23.*  
**SELF, THOMAS**, Norwich, gasfitter, Nov. 9. *Off. Ass. Stansfeld; Sols. Doyle, 2, Vernal-hill-buildings, Gray's-inn; Sudd, Norwich.*—*Pet. f. Oct. 23.*  
**SIMMONS, SIMON**, Windsor-street, Bishopsgate-street, haberdasher, Nov. 9. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Pet. f. Oct. 22.*  
**SMITH, JOHN WRESTLEY**, Grosvenor-street, Grosvenor-square, and Baker-street, auctioneer, Nov. 9. *Off. Ass. Graham; Sols. Holt & Co., Quality-court, Chancery-lane.*—*Pet. f. Oct. 23.*  
**TAYLOR, JOSHUA**, New Brentford, bedding manufacturer, Nov. 9. *Off. Ass. Graham; Sol. St. Aubyn, 35, Moorgate-street.*—*Pet. f. Oct. 22.*  
**VIALLE, OTTO**, Church-street, Lower Edmonton, quartermaster in her Majesty's 3rd regiment of dragoon guards, Nov. 9. *Off. Ass. Graham; Sol. Waldron, 59, Lamb's Conduit-street.*—*Pet. f. Oct. 23.*

## To be heard in the Country.

**ALDRIDGE, THOMAS**, Sascombe, Cheshire, commission agent, Nov. 10. *Birkenhead. Off. Ass. Gill; Sol. Husband, Liverpool.*—*Pet. f. Oct. 20.*  
**ALLAWAY, STEPHEN**, Lydbrook Works, Gloucestershire, ironmaster, Nov. 13. *Birmingham. Off. Ass. Kinnear; Sols. Minett, Ross; James & Co., Birmingham.*—*Pet. f. Aug. 20.*  
**ALEXANDER, GILBERT**, Scarborough, Yorkshire, draper, Nov. 12. *Leeds. Off. Ass. Young; Sols. Bond & Co., Leeds.*—*Pet. f. Oct. 23.*  
**AMABLE, EMANUEL**, Manchester, painter, Nov. 16. *Manchester. Off. Ass. Kay; Sol. Swan, Manchester.*—*Pet. f. Oct. 22.*  
**ATHA, JOSEPH**, Bingley, Yorkshire, watchmaker, Nov. 11. *Keighley. Off. Ass. Waterworth; Sol. Hodgson, Keighley.*—*Adj. Sept. 11.*  
**BEARDSWORTH, EDWARD**, Blackburn, Lancashire, hairdresser, Nov. 24. *Manchester. Off. Ass. Herraman; Sol. Gardner, Manchester.*—*Adj. Oct. 16.*  
**BELZ, ROBERT STEPHENSON**, and **WHITFIELD, JAMES**, Winstan, Durham, grocers, Nov. 6. *Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.*—*Pet. f. Oct. 14.*  
**BENLEY, GEORGE DAVID**, Wells, Norfolk, chemist, Nov. 13. *Little Walsingham. Off. Ass. Watson; Sol. Garwood, Wells.*—*Pet. f. Oct. 23.*  
**BOULT, BENJAMIN GRIMMER**, Norwich, publican, Nov. 9. *Norwich. Off. Ass. Palmer; Sol. Athinson, Norwich.*—*Pet. f. Oct. 24.*  
**BUCKLEY, SAMUEL**, Werneth, near Oldham, Lancashire, corn miller, Nov. 24. *Manchester. Off. Ass. Pett; Sol. Gardner, Manchester.*—*Adj. Oct. 16.*  
**BULLIVANT, FREDERICK**, Kilnhurst, near Rotherham, Yorkshire, labourer, Nov. 16. *Rotherham. Off. Ass. Newman.*—*Pet. f. Oct. 13.*

**CARNALL, JOHN**, Stoke-upon-Trent, Staffordshire, potter, Nov. 7, Stoke-upon-Trent. Off. Ass. Keary; Sols. Tennant & Co., Hanley.—Pet. f. Oct. 23.

**CLARKE, GROSSER**, Bury St. Edmund's, Suffolk, baker, Nov. 9, Bury St. Edmund's. Off. Ass. Collins; Sol. Walpole, Bexley.—Pet. f. Oct. 21.

**CUMMINGS, JOHN PENHOCK**, Leeds, draper, Nov. 18, Leeds. Off. Ass. Sangster; Sols. North & Co., Leeds.—Pet. f. Oct. 22.

**CURTIS, CHARLES**, Bath, Somersetshire, Jeweller, Nov. 10, Bath. Off. Ass. Smith.—Pet. f. Oct. 20.

**ELLIOT, JAMES**, Crosby, Cumberland, farmer, Nov. 6, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Hodge & Co., Newcastle-upon-Tyne.—Pet. f. Oct. 22.

**GOSLIN, JOSEPH**, New Swindon, Wiltshire, mechanic, Nov. 7, Swindon. Off. Ass. Townshend; Sol. Rawlings, Melksham.—Pet. f. Oct. 20.

**HAMILTON, HENRY**, Rotherham, Yorkshire, painter, Nov. 10, Rotherham. Off. Ass. Newman; Sols. Marsh & Co., Rotherham.—Pet. f. Sept. 22.

**HART, THOMAS**, Bristol, labourer, Nov. 20, Bristol. Off. Ass. Harley; Sol. Roper, Bristol.—Pet. f. Oct. 24.

**HOLDSWORTH, JESSE**, Burnley, Lancashire, out of business, Nov. 9, Burnley. Off. Ass. Hartley; Sols. Buck & Co., Burnley.—Pet. f. Oct. 22.

**HUGH, JOHN HENRY**, Waterloo, near Liverpool, bookkeeper, Nov. 6, Liverpool. Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. Oct. 24.

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ANDERSON, HENRY BONAPARTE, Short-street, Tabernacle-square, Finsbury, working optician, Nov. 23. *Off. Ass. Stansfeld; Sol. Smadon, 5, Dances-lane, Strand.—Pet. f. Oct. 26.*

BISHOP, SARAH ANN, Bury-street, Bloomsbury, wheelwright, Nov. 17. *Off. Ass. Stansfeld; Sols. Lewis & Co., 7, Wilmington-square.—Pet. f. Oct. 24.*

BOAK, AARON, High-street, Poplar, grocer, Nov. 12. *Off. Ass. Graham; Sol. Jenkins, 31, Nicholas-lane.—Pet. f. Oct. 24.*

BORLEY, GEORGE, Saint George's-road, Regent's-park, draper's assistant, Nov. 17. *Off. Ass. Stansfeld; Sols. Peckham & Co., Doctors'-commons.—Pet. f. Oct. 24.*

CALLAGHAN, JAMES, Great New-street, Fetter-lane, greengrocer, Nov. 12. *Off. Ass. Graham; Sol. Wright, 123, Chancery-lane.—Pet. f. Oct. 27.*

CARR, JOHN TETTER, Basinghall-street, City, and Douglas-road, Canonbury, Islington, timber merchant, Nov. 17. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 28.*

CRADDOCK, WILLIAM EDWARD, Stratford, tailor, Nov. 23. *Off. Ass. Stansfeld; Sols. Kighley & Co., 7, Ironmonger-lane.—Pet. f. Oct. 28.*

DE BLAQUIERE, ROBERT MILLY, James-street, Buckingham-gate, of no occupation, Nov. 9. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 29.*

DEPRIES, HENRY, Nicholas-square, Hackney-road, gasfitter, Nov. 12. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Oct. 21.*

DRUMMOND, ROBERT HORATIO WILLIAM, Robinson's-road, Victoria-park, foreman to a general contractor, Nov. 17. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 29.*

EDWARDS, JOHN LEWIS, Birkenhead, Cheshire, draper, Nov. 10. *Off. Ass. Stansfeld; Sols. Reed & Co., 3, Graham-street.—Pet. f. Oct. 23.*

FRANKLAND, PETER, South-street, Manchester-square, boot maker, Nov. 19. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 28.*

GORDIE, ROBERT, Chapel-street, Lamb's Conduit-street, Bedford-row, mirror-frame manufacturer, Nov. 19. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 28.*

GREVILLE, CHARLES WALTER, Albert-street, Barnesbury-road, working silversmith, Nov. 12. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 22.*

GURNEY, ARTHUR, Farringdon-street, City, Princess-place, Commercial-road, Middlesex; and Stratford, Essex, licensed victualler, Nov. 12. *Off. Ass. Graham; Sol. Coward, 4, Guildhall-chambers.—Pet. f. Oct. 24.*

HARRIS, ROBERT CLARON, Aldershot, Southampton, chemist, Nov. 23. *Off. Ass. Stansfeld; Sol. Shiers, 5, New-inn, Strand.—Pet. f. Oct. 27.*

JACKSON, JAMES, Gracechurch-street, and Beesborough-gardens, Finsbury, commission agent, Nov. 23. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. Oct. 21.*

JOHN, ROBERT, Tottenham-place, Tottenham-court-road, furniture dealer, Nov. 23. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Oct. 21.*

KENTFIELD, EDWIN, Brighton, billiard-table proprietor, Nov. 23. *Off. Ass. Stansfeld; Sols. Dimmock & Co., 2, Suffolk-lane; Stuckey, Brighton.—Pet. f. Oct. 28.*

KINGSMOKE, EDWARD, Ore, near Hastings, farmer, Nov. 23. *Off. Ass. Stansfeld; Sols. Sols. & Co., Aldermanbury.—Pet. f. Oct. 28.*

LAW, THOMAS GEORGE, South-street, West-square, St. George's-road, tailor, Nov. 12. *Off. Ass. Graham; Sol. Chipperfield, 3, Trinity-street, Southwark.—Pet. f. Oct. 29.*

LAYLAND, EDWIN ADOLPHUS, New Weston-street, Bermondsey, leather merchant, Nov. 12. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Oct. 21.*

LOBB, WILLIAM, Enfield, general-shop keeper, Nov. 12. *Off. Ass. Graham; Sol. Cooper, 9, Charing-cross.—Pet. f. Oct. 28.*

MARSH, FRANCIS, New-road, Chelsea, tailor, Nov. 12. *Off. Ass. Graham; Sol. Creek, 50, Moorgate-street.—Pet. f. Oct. 28.*

NEWTON, CHARLES, Ramsey, Huntingdonshire, farmer, Nov. 23. *Off. Ass. Stansfeld; Sols. Sols. & Co., Aldermanbury; Gruber, Peterborough.—Pet. f. Oct. 28.*

ORIEL, EDWARD ELSTON, Deptford, Kent, tailor, Nov. 17. *Off. Ass. Stansfeld; Sol. Cox, 28, St. Swithin's-lane.—Pet. f. Oct. 24.*

PICKERING, RICHARD, Norfolk-mews, London-street, Paddington, horse dealer, Nov. 9. *Off. Ass. Graham; Sol. Burr, 12, Fater-noster-row.—Pet. f. Oct. 29.*

SAMPSON, WILLIAM GEORGE, Warner-place South, Hackney-road, rope manufacturer, Nov. 16. *Off. Ass. Stansfeld; Sol. Hill, 16, Basinghall-street.—Pet. f. Oct. 28.*

SEELY, GEORGE, Pittfield-street, Hoxton New-town, butcher, Nov. 16. *Off. Ass. Stansfeld; Sol. De Medina, 3, Primrose-street, Bishopsgate-street.—Pet. f. Oct. 28.*

STANNARD, WILLIAM, Great James-street, Bedford-row, picture-frame mounter, Nov. 17. *Off. Ass. Edwards; Sol. Hooper, 3, Southampton-buildings.—Pet. f. Oct. 27.*

STROUD, ALFRED, Maddox-street, Regent-street, goldsmith, Nov. 9. *Off. Ass. Stansfeld; Sol. Daniel, Chancery-chambers, Quality-court.—Pet. f. Oct. 26.*

TALLEY, JOSEPH GILLAUME ADRIEN, Pall-mall, boarding-house keeper, Nov. 16. *Off. Ass. Stansfeld; Sol. Abrahams, 17, Gresham-street.—Pet. f. Oct. 28.*

VICTORS, ISAAC, Commercial-road, Spitalfields, tobacconist, Nov. 9. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. Oct. 21.*

WHALE, JOHN, Smithfield-bars, coffee-house keeper, Nov. 16. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. Oct. 21.*

WITHAM, WYLLIES, Lower-marsh, Lambeth, grocer, Nov. 16. *Off. Ass. Stansfeld; Sols. Lankians & Co., 7, Walbrook.—Pet. f. Oct. 21.*

WOOD, WILLIAM, Cornhill, general merchant, Nov. 16. *Off. Ass. Graham; Sol. Howell, 156, Chancery-lane.—Pet. f. Oct. 14.*

*To be heard in the Country.*

AKEDAY, GEORGE, Solihull, Warwickshire, out of business, Nov. 23. *Off. Ass. Harding; Sol. Corles, Birmingham.—Pet. f. Oct. 13.*

BELFORD, JAMES, Tyne Docks, near South Shields, Durham, engine driver, Nov. 16. *South Shields. Off. Ass. Wawn; Sol. Wheldon, South Shields.—Pet. f. Oct. 24.*

BIGNELL, JOHN, Freshwater, Isle of Wight, brickburner, Nov. 11. *Newport. Off. Ass. Blake; Sol. Beckingsale, Newport.—Pet. f. Oct. 26.*

BILLINGTON, RICHARD, Hanley, Staffordshire, tailor, Nov. 23. *Hanley. Off. Ass. Challiner; Sols. Tennant & Co., Hanley.—Pet. f. Oct. 21.*

BROWN, THOMAS, Aston, near Birmingham, pearl-button maker, Nov. 23. *Birmingham. Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Oct. 28.*

BURTON, WILLIAM, Leicester, provision dealer, Nov. 11. *Leicester. Off. Ass. Ingram; Sol. Chamberlain, Leicester.—Pet. f. Oct. 23.*

BUTTERY, HENRY, Lincoln, licensed to sell horses, Nov. 11. *Lincoln. Off. Ass. Uppley; Sols. Brown & Co., Lincoln.—Pet. f. Oct. 27.*

BUTTOY, ALFRED, Birmingham, gun polisher, Nov. 23. *Birmingham. Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Oct. 28.*

CARR, THOMAS LOCKY, Willington, Durham, lemonade manufacturer, Nov. 14. *Durham. Off. Ass. Bramwell; Sol. Brignal, Durham.—Pet. f. Oct. 27.*

CARR, EDWARD JOHN, Rochester, Kent, plasterer, Nov. 16. *Eastgate. Off. Ass. Acworth; Sol. Morgan, Maidstone.—Pet. f. Oct. 27.*

CHILTON, WILLIAM, Manchester, engraver, Nov. 18. *Manchester. Off. Ass. Harnam; Sol. Leigh, Manchester.—Pet. f. Oct. 27.*

CLOWES, BENJAMIN, Hanley, Staffordshire, butcher, Nov. 23. *Hanley. Off. Ass. Challiner; Sol. Sutton, Burnas.—Pet. f. Oct. 28.*

COOKES, ARTHUR, Wigan and Liverpool, coal proprietor, Nov. 12. *Liverpool. Off. Ass. Morgan; Sols. Anderson & Co., Liverpool.—Pet. f. Oct. 27.*

FRANKLEY, SAMUEL, Undercliffe, near Bradford, Yorkshire, steam-mason, Nov. 18. *Bradford. Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. Oct. 27.*

FOX, CHARLES, Sculcoates, Kingston-upon-Hull, assistant overseer, Nov. 18. *Kingston-upon-Hull. Off. Ass. Carrick.—Adj. Oct. 21.*

GENT, ALFRED, Leicester, wire spring maker, Nov. 11. *Leicester. Off. Ass. Ingram; Sol. Chamberlain, Leicester.—Pet. f. Oct. 27.*

GILL, BARSILLAI, Hawstead, Suffolk, blacksmith, Nov. 12. *Bury St. Edmunds. Off. Ass. Collins; Sol. Nunn, Ixworth.—Pet. f. Oct. 28.*

GRAMAM, JOHN, Madeley, Shropshire, tailor, Nov. 14. *Madeley. Off. Ass. Potts; Sol. Walker, Wellington.—Pet. f. Oct. 28.*

GRIFFITHS, WILLIAM JOHN, Dudley, Worcestershire, boot manufacturer, Nov. 12. *Dudley. Off. Ass. Walker; Sol. Warrington, Dudley.—Pet. f. Oct. 24.*

HASKELL, HENRY, Droxford, Southampton, grocer, Nov. 23. *Bishop's Waltham. Off. Ass. Gunner; Sol. Mackey, Southampton.—Pet. f. Oct. 29.*

HATTON, MARK HILL, Hereford, grocer, Nov. 24. *Hereford. Off. Ass. Reynolds; Sol. Garrod, Hereford.—Pet. f. Oct. 28.*

HOLMYARD, AMELIA, Margate, Kent, out of business, Nov. 18. *Margate. Off. Ass. Isaacson; Sol. Towne, Margate.—Pet. f. Oct. 24.*

HUGHES, THOMAS, Larches Orston, Shropshire, draper, Nov. 27. *Birmingham. Off. Ass. Kinnear; Sol. Hardwick, Bridgnorth; Wright, Birmingham.—Pet. f. Oct. 28.*

KELSELL, WILLIAM, Nottingham, butcher, Dec. 16. *Nottingham. Off. Ass. Patchitt; Sol. Buttery, Nottingham.—Pet. f. Oct. 28.*

KENT, JAMES, Norwich, shoe manufacturer, Nov. 10. *Norwich. Off. Ass. Palmer; Sol. Atkinson, Norwich.—Adj. Oct. 15.*

LOWE, MATTHEW, Leigh, Lancashire, beer seller, Nov. 13. *Manchester. Off. Ass. Harnam; Sol. Ambler, Manchester.—Pet. f. Oct. 27.*

MOORE, JOHN, Bishopwearmouth, Durham, master mariner, Nov. 18. *Bishopwearmouth. Off. Ass. Marshall; Sol. M'Kee, Sunderland.—Pet. f. Oct. 23.*

OLDLAND, JOHN WEIGHT, Leicester, tailor, Nov. 11. *Leicester. Off. Ass. Ingram; Sol. Weston, Leicester.—Pet. f. Oct. 23.*

OFIE, WILLIAM, Gwennap, Cornwall, Nov. 9. *Redruth. Off. Ass. Petes.—Adj. Aug. 11.*

PAGE, WILLIAM WINTER, Brighton, agent, Nov. 11. *Brighton. Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. Oct. 23.*

ROBERTS, WILLIAM, Liverpool, builder, Nov. 12. *Liverpool. Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. Oct. 26.*

SPRANG, ROBERT HULLS, Worcester, tailor, Nov. 17. *Worcester. Off. Ass. Hill; Sol. Wilson, Worcester.—Pet. f. Oct. 20.*

TAYLOR, JEB, Wickhamford, near Evesham, Worcestershire, labourer, Dec. 4. *Evesham. Off. Ass. Cheek.—Adj. Oct. 14.*

TAYLOR, WILLIAM, Breckforton, near Evesham, Worcestershire, labourer, Dec. 4. *Evesham. Off. Ass. Cheek.—Adj. Oct. 4.*

VAN DER VELDEN, DREK, Great Crosby, Lancashire, ironmonger, Nov. 20. *Liverpool. Off. Ass. Hines; Sol. Husband, Liverpool.—Pet. f. Oct. 24.*

WHITAKER, MIDDLEBROOKE, Smith, Yorkshire, printer, Nov. 13. *Leeds. Off. Ass. Young; Sol. Simpson, Leeds.—Pet. f. Oct. 28.*

WHITE, SAMUEL, Sherborne, Dorsetshire, surgeon, Nov. 13. *Yeovil. Off. Ass. Bates; Sol. Watts, Yeovil.—Pet. f. Oct. 24.*

WINDROSS, JOHN, Kingston-upon-Hull, druggist, Nov. 10. *Hull. Off. Ass. Phillips; Sol. Walker, Hull.—Pet. f. Oct. 28.*

WOOD, WILLIAM, Little Bolton, Lancashire, fly maker, Nov. 11. *Bolton. Off. Ass. Holden; Sol. Broughton, Bolton.—Pet. f. Oct. 28.*

## BANKRUPTCY ANNULLED.

LEVY, HYAM, Lower-marsh, Lambeth, clothier.

[*For continuation of Gazette, see p. 395.*]

## CONTENTS.

London Gazettes.....	390
Leading Article.....	391
Mr. Daniel, Q. C., and the Reporting System .....	392
Book Received .....	392
English and Irish Law and Chancery Commission ..	392
Statutes passed during the late Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Gibbons v. Snape.—( <i>Copyholds—Equitable estate tail—Involment</i> ) .....	1096
Re British Provident Life and Fire Insurance Society, <i>ex parte</i> Orpen .....	1097

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Ward v. Ghirmes.—( <i>Vendor and purchaser—Abstract—Sufficiency of—Evidence—Requisitions</i> ) .....	1097
--	------

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Re Cheshire Patent Salt Company (Limited).—( <i>Public company—Petition for winding up</i> ) ..	1098
Re Barber.—( <i>Practice—Trustee Relief Act—Costs</i> ) .....	1098

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Bevan v. The Attorney-General.—( <i>Will—Construction—Capital of business—Legacies demonstrative and not specific</i> ).....	1099
--	------

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH and J. HOWARD, Barristers at Law.

Re London and Westminster Wine Company (Limited).—( <i>Practice—Winding up—Service</i> )....	1109
--	------

## COURT OF QUEEN'S BENCH.

By C. W. LOVEST, Barrister at Law.

Reg., on the Prosecution of the North London Railway Company, Apprs., The Vestry and Churchwardens of St. Pancras, Resps.—( <i>Poor rate—Railway—Deduction of tolls payable to another company—Rateable value</i> ) .....	1102
Sherborn, App., Wells, Resp.—( <i>Metropolitan Police Act, 2 &amp; 3 Vict. c. 47, s. 54—Turning cattle "loose" in a thoroughfare</i> ) .....	1104
Wilkinson, App., Dutton, Resp.—( <i>Charge of assault—Evidence of rape—Summary conviction—Jurisdiction of justices</i> ).....	1104

## COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

Blasco v. Fletcher.—( <i>Ship—Damage to cargo—Right of redelivery</i> ) .....	1106
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## COURT OF ARCHES.

By DR. MIDDLETON.

Burder v. O'Neill.—( <i>Criminal suit—Evidence of defendant—One witness without corroboration—Costs</i> ) .....	1109
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## THE JURIST.

LONDON, NOVEMBER 7, 1863.

LORD ST. LEONARDS, in the preface to one of his able works, by which he has done so much to collect together and systematise various important branches of the law, points out, we think, very clearly, the mode by which a digest or code of our law is eventually to be attained; although, perhaps, he had not a code or digest of an authoritative kind, promulgated by legislative enactment, in his mind.

After stating that he had endeavoured to correct and clear up whatever his own observation or the sagacity of others had pointed out as erroneous, or even ambiguous, in the first edition of his work, he observes, that "he believes that a series of treatises, written with this object, would, with such correction as the Legislature only can make, and which can seldom be well directed unless a comprehensive view can be readily taken of the whole subject, tend to place the law . . . upon a better footing than at present. The authorities are not likely to harmonise unless they are collected, and the entire subject examined. It is then that discrepancies and departures from principle are for the first time observed."

No doubt, what Lord St. Leonards seems to contemplate is the possibility of a series of text-books being written upon every subject, and the great advantage which would accrue to the law, as a science, from such a complete examination of the cases, and the principles upon which they proceed, as would be the necessary consequence of such an examination. But unfortunately, however useful it might be to have a text-book upon every branch of the law, it is not

likely that authors will be found to write, or book-sellers to publish, works upon any subject, save upon those which are likely to have a large sale, and to pay them for any risk, actual or imaginary, of the publication. If, in fact, there was a well-written text-book upon every legal subject, we should have a digest and code of the whole law; for a well-written text-book is, in reality, a code and digest, the propositions or rules of law forming the code, the cases cited as illustrations, or in support of them, being the digest.

The text-books, however, that have been written upon the law of England, although not forming a complete code or digest, have been of the greatest benefit both to our legislators and practitioners. To our legislators, because they have from time to time pointed out the defects in our law; and to practitioners, because without them they would never have been able, save at the expense of great loss of time, to sift out the law from the numerous reports and statutes amongst which it is scattered.

Of course, if proper encouragement had ever been given to the writers of text-books—if those rewards were conferred upon them which are given so profusely to mere political adventurers and others, hanging loosely on to the skirts of the law, but attached to other pursuits, which enable them to make themselves in some manner or other useful to those in power, we might have, as the French had before the compilation of their code, a complete series of treatises which would have served as a substantial basis for a code or digest of the whole body of the English law.

There are many persons who doubtless think that matters may go on as well now as they have done heretofore; that the legal profession may trust to text-writers collecting into treatises the whole law upon every subject of any great utility, and that con-



sequently the digest or code proposed by the Lord Chancellor is at any rate not a work of necessity. Such persons, however, do not sufficiently bear in mind the enormous accumulation that has taken place in the materials for a digest during the last fifty years, which is still increasing, and will increase, until some official steps are taken to systematise and simplify the whole body of the law. This, we conceive, can best be done by an authoritative digest of every branch of the law, according to the scheme shadowed forth, rather than fully enunciated, by the Lord Chancellor in his speech of last session.

If this great work were well done, everything that is valuable might be extracted from the reports of decided cases; and whenever they were in any respect found to be ambiguous or conflicting, the Legislature, as observed by Lord St. Leonards, might make the proper corrections. So, whenever the authorities, although harmonious, laid down a rule of law, either inconvenient or oppressive, it might be altered by express enactment.

We entirely agree with Lord St. Leonards, that until the whole law is examined in this manner, Parliament will always be apt to do more harm than good by most of its alterations, because it so often proceeds upon an imperfect knowledge of the subject.

One objection raised to the Lord Chancellor's plan of a digest is, that it cannot be complete; unless not only the most antiquated reports are all comprehended within it, but also all manuscript cases lying hidden in our public libraries, or in the hands of private individuals, and even the records of the various courts, containing the decrees or orders made in cases which are not comprised either in printed or manuscript reports.

It seems to us, however, that such an objection is quite idle; for if a digest or code can be formed out of the materials pointed out by the Lord Chancellor, or perhaps by the inclusion of some few more which he may, at first sight, appear inclined to omit (and we believe that it may), all others are merely superfluous. The objectors to the digest on this ground might as well wish to ransack the papers of the late Lord Campbell for the *Nisi Prius* cases which he had carefully put by in a separate drawer, marked as "bad law."

What we want is, not a digest of all the cases ever decided, for many cases, doubtless, though never appealed from, have been badly decided, but of all the cases worthy of being considered as precedents. Of course it may be said, that the choice of precedents ought not to be left to any body of commissioners. In answer to this, we may observe, that the choice of cases to form the subject of reports, which, practically speaking, have been the only precedents for the guidance of our courts (few manuscript cases being now ever cited) has been left to a few individual reporters, so that it cannot well be objected that the same liberty of selection should not, to a certain extent, be delegated to the persons chosen to digest the laws of England. The result, moreover, of whose labour may, and doubtless will, be kept under the control of Parliament.

When the digest of the Roman Law was framed during the reign, and by the order, of Justinian, it is clear that the jurists employed by him did not use all the materials to which they had access; they

evidently made use only of such selections from them as they considered sufficient for the purpose of framing that great body of jurisprudence upon which the laws of the civilised world may be fairly said to be almost universally founded.

By resorting to somewhat the same plan, but with an improved arrangement, by avoiding the haste with which the Roman Digest was composed, and the effects of which are but too apparent, there is no reason why the digest of the English law, as proposed by the Lord Chancellor, may not be in every respect superior to that of Justinian; and from the extent of those countries where the English tongue is spoken, or the British empire extends, its influence may be not only more extensive, but more permanent.

**CORRIGENDUM.**—In the leading article of last week there is an error, apparent, indeed, from the context. In the first line of p. 384, for "treason and felony," read "felony and misdemeanour."

### MR. DANIEL, Q. C., AND THE REPORTING SYSTEM.

MR. W. T. S. DANIEL, Q. C., whose project for reform of the reporting system we noticed in a former number (*ante*, p. 349), has drawn up the following requisition to the Attorney-General on the subject, which will be presented when a sufficient number of signatures shall be affixed to it:—

"To Sir Roundell Palmer, Knight, Her Majesty's Attorney-General.

"We, the undersigned members of the English Bar, request that you will be pleased to call a meeting of the Bar, at such time and place as you shall think proper, for the purpose of ascertaining the opinion of the Bar as to the existing system of law reporting, with a view to an amendment thereof.

"Dated" &c.

### BOOK RECEIVED:

International Law in connexion with Municipal Statutes relating to the Commerce, Rights, and Liabilities of the Subjects of Neutral States pending Foreign War, considered with reference to the Trial of the Case of "The Alexandra," seized under the Provisions of the Foreign Enlistment Act. By F. Hargrave Hamel, of the Inner Temple, Barrister-at-Law, and Law Clerk in the Solicitor's Department of her Majesty's Customs and Merchant Shipping Department of the Board of Trade.—*Butterworths; Hodges, Smith, & Co., Dublin. 1863.*

### ENGLISH AND IRISH LAW AND CHANCERY COMMISSION.

A ROYAL COMMISSION was issued on the 13th December, 1861, directed to the Master of the Rolls in England (Sir J. Romilly); the Lord Justice of Appeal in Chancery in Ireland (the Right Hon. Francis Blackburne); the Lord Chief Justice of the Common Pleas in Ireland (the Right Hon. James Henry Monahan); the Right Hon. Abraham Brewster; the Right Hon. Joseph Napier; Vice-Chancellor Sir W. P. Wood; Mr. Justice Willes; Baron Hughes (Ireland); the late Attorney-General for England (Sir W. Atherton); the Attorney-General for Ireland (the Right Hon. Thomas O'Hagan); Sir Roundell Palmer, Knt. (the Solicitor, now the Attorney-General for England); the Solicitor-General for Ireland (James Anthony Lawson, Esq.); Sir Hugh McCairns; G. M. Giffard, Esq., Q. C.; E. B. Follett,

Esq.; and R. J. T. Orpen, Esq., to make "A diligent and full inquiry into and to report upon the following matters, with a view to reduce costs to suitors and the expenditure of the public money, and to assimilate, so far as may be practicable, the administration of justice in England and Ireland—

- "1. The constitution, establishment, practice, procedure, and fees of the superior courts of common law in Ireland.
- "2. The differences between the constitution and the forms of practice, procedure, and fees of the Courts of Chancery of England and of Ireland."

Six to be a quorum. By a subsequent commission, dated the 8th July, 1862, the number of the quorum was reduced to three.

The Commissioners have made their First Report, bearing date the 27th July, 1863, which is accompanied by a number of statements and appendices forming a blue book of some size. This Report contains much valuable information relative to the differences between the laws of England and Ireland; and the Commissioners state—

"We have come to a unanimous resolution, that the system of practice and procedure of the courts of common law of England and Ireland should as far as practicable be assimilated.

"In adopting this resolution, we feel that we are only in effect restoring that substantial uniformity which existed in the course and practice of the superior courts of common law in both countries from the reign of King John to that of King William the Fourth."

We propose to state the recommendations of the Commissioners in this Report, referring such of our readers as are desirous to know the reasons on which those recommendations are founded to the Report itself.

Under the head—

#### I.—COMMON LAW.—PRACTICE AND PROCEDURE.

##### iii.—*English Common-law Procedure Acts, 1852, 1854, and 1860.*

We are of opinion—

1. That pleas of payment and set-off, and other pleadings capable of being construed distributively, should be taken distributively in Ireland as they are in England, pursuant to sect. 75 of the English Common-law Procedure Act, 1852.

2. That the English practice of not staying execution in ejectment, under the English Common-law Procedure Act, 1852, sect. 215, without security by recognisance against waste, should be adopted in Ireland.

3. That the provisions of the English Common-law Procedure Acts, 1852, sects. 42–45, and 1854, sect. 32, by which questions of fact may, after writ issued and before judgment, by consent and leave of a judge, be raised without pleadings, and may be entered and tried as any issue joined in an ordinary action, should be extended to Ireland.

4. That sect. 60 of the Common-law Procedure Acts, 1854, should be extended to Ireland, providing that a judgment creditor may apply to examine orally the judgment debtor, as to any debts owing to him, before a Master or other person appointed by the court or judge.

The Act of 1860 should, we think, be amended in the matters hereinafter noticed, but subject to such amendments.

We are of opinion—

5. That it is desirable to extend to Ireland the provisions of the English Common-law Procedure Act of 1860.

##### iv.—*Irish Common-law Procedure Act, 1853.—Provisions proposed to be repealed.*

We are of opinion—

1. That the English system of writ and declaration should be adopted in Ireland, instead of the summons and plaint.

2. That the right of a party to plead and demur by leave of the Court should be extended to all pleadings, as in England.

3. That the abolition of the general issue by the Irish Common-law Procedure Act, 1853, sect. 69, should be repealed, and the general issue, as regulated by pleading rules 6, 15, 16, 20, Trin. T., 1853, in England, should be adopted in Ireland.

4. That the mode of raising the issues in fact in Ireland should be assimilated to the mode of raising such issues in England.

5. That the provisions of the Irish Common-law Procedure Act, 1853, enabling replevin to be joined with other personal actions should be repealed, and the law assimilated to that of England.

6. That no benefit has arisen from the provision for allowing equitable defences to be pleaded in ejectment in Ireland, and that such provision should be repealed.

7. That the Irish statute, giving treble damages, in case of over-marking an execution (Common-law Procedure Act, I., 1853, sect. 129), should be repealed, and the law assimilated to that of England.

8. That the provisions of the Irish Common-law Procedure Act, 1853, sect. 139, providing that payment by an execution debtor to the sheriff or gaoler should entitle the debtor to be discharged from custody, should be repealed, and the law assimilated to that of England.

9. That the provisions of the Irish Common-law Procedure Act, 1853, sect. 33, requiring notice of issuing writs against corporations to be inserted in "The Dublin Gazette," and in a local newspaper, should be repealed, and the law assimilated to that of England.

10. That the English practice, by which notice of misjoinder of plaintiffs is not required, and an amendment may be made at the trial, is to be preferred to the Irish practice.

11. That the English practice, by which neither the leave of the Court for a plea in abatement of non-joinder of defendants or plaintiffs, nor any order to amend is required, and non-joinder of defendants can only be taken advantage of by plea in abatement, is to be preferred to the Irish practice, as established by the Irish Common-law Procedure Act, 1853, sects. 84, 87–89.

12. That the English practice under Rule 21, Hil. T., 1853, by which a defendant has the same time for pleading after the delivery of particulars under a judge's order, as he had at the date of the order, unless the order should otherwise provide, should be extended to Ireland (Common-law Procedure Act, 1853, sect. 46).

By the Irish Common-law Procedure Act of 1853, the venue in all personal actions, which includes many which would be local in England, is made transitory in Ireland; on the other hand, actions by and against assignees of lessees have long been by express enactment transitory in Ireland, whilst they are local in England. These actions might advantageously be made transitory in England, and the venue in all other classes of actions which are now local in England ought to be local in Ireland.

We are of opinion—

13. That in all actions (except actions by and against assignees of lessees) which are now local in England, the venue should be local in Ireland.

v.—*Irish Common-law Procedure Act, 1853.—Provisions proposed to be extended to England.*

We are of opinion that the following provisions of the Irish Common-law Procedure Act, 1853, should be extended to England:—

1. That a renewed writ should not be available to prevent the operation of the Statutes of Limitation, unless the renewal shall be had by leave of the court or a judge, on an affidavit to satisfy the court or a judge that reasonable diligence was used to effect service of the writ (Common-law Procedure Act, 1853, sect. 28-30).

2. That debts accruing after the commencement of an action may be pleaded in bar of the further maintenance of the action (Common-law Procedure Act, 1853, sect. 40).

3. That a husband may add claims in his own right in any action brought by husband and wife, for any cause of action accruing to the wife, and in respect of which she is necessarily joined as a co-plaintiff (Common-law Procedure Act, 1853, sect. 55).

4. That a judgment should not be arrested, stayed, or reversed, by reason that the plaintiff or defendant, being twenty-one years, sued or defended by attorney (Common-law Procedure Act, 1853, sect. 122).

5. That a memorandum may be entered of part payment and satisfaction on the record of judgments (Common-law Procedure Act, 1853, sects. 143, 144).

6. That an heir, or personal representative of any party, plaintiff or defendant, may (for the purpose of bringing error) enter a suggestion of the death of such party, and that he is such legal representative (Common-law Procedure Act, 1853, sect. 167).

7. That the plaintiff may have the amount of mesne rates ascertained at the trial of an ejectment (Common-law Procedure Act, 1853, sect. 202).

We are also of opinion—

8. That the Irish practice of more speedy execution after judgment is to be preferred (Common-law Procedure Act, 1853, sect. 127).

9. That the Irish rule, that if the defendant is resident out of the jurisdiction, and has some agent or manager resident in Ireland, the Court may authorise service to be substituted on such agent (Common-law Procedure Act, 1853, sect. 34), should be extended (*mutatis mutandis*) to the case of a defendant having an agent or manager resident in England.

10. That a defendant applying for security for costs against an Irish plaintiff suing in England, should be required to make an affidavit of merits (Common-law Procedure Act, 1853, sect. 52).

In the case of suggestions of facts upon motion for arrest of judgment, or for judgment non obstante veredicto, it is the practice in England to require the party insisting on the objection to satisfy the Court that there has been an omission of some substantial matter of fact, whereby he may have been prejudiced in the merits of his case, but there is no express enactment to that effect. In Ireland this practice was provided for by the Irish Common-law Procedure Act, 1853, sect. 16. It will be proper, therefore, for sake of uniformity, to pass a declaratory enactment on the subject, applicable to both parts of the United Kingdom.

We are, therefore, of opinion—

That the following provision of the Irish Common-law Procedure Act, 1853, should be extended to England.

11. That in motions to arrest judgment, or for judgment non obstante veredicto, the party insisting on the objection must satisfy the Court that there has been an omission of some substantial matter of fact, whereby he may have been prejudiced in the merits

of his case (Common-law Procedure Act, 1853, sect. 163).

vi.—*Provisions of the Irish Common-law Procedure Act, 1856, and other Statutes proposed to be extended to England.*

We are of opinion—

1. That the provisions of the Common-law Procedure Act, 1854, extended by the Irish Common-law Procedure Act, 1856, sects. 25 to 30, to criminal cases, should be so extended to courts exercising criminal jurisdiction in England.

2. That it is desirable that the power peculiar to Ireland to make an order directing temporary bars in ejectment to be removed in any case in which it shall appear to the satisfaction of the Court that an order to the same effect would be pronounced by the Court of Chancery, upon an application made to it for that purpose (Common-law Procedure Act, 1856, sect. 89), should be extended to England.

3. That the landlord in replevin should have judgment against the plaintiff for the arrears of rent ascertained on the inquiry, whether the value of the goods and chattels distrained shall amount to so much or not. This should be accompanied by a provision, that nothing therein contained should alter or affect the liability of the sureties in the replevin bond (Common-law Procedure Act, 1856, sect. 101).

4. That the statutable provisions in Ireland by which the venue in actions by and against assignees of lessees is transitory should be extended to England.

vii.—*English Practice and Procedure proposed to be extended to Ireland.*

We recommend—

1. That the English rule, that several counts on the same cause of action should not be allowed unless a judge shall think them proper for determining the real question in controversy between the parties on its merits (Rules 1, 2, 3, Trinity Term, 1853), should be extended to Ireland.

2. That the consequences of taking a body under a writ of *capias ad satisfaciendum* should be the same in Ireland as in England, and that the provisions of the Irish statutes, 33 Geo. 3, c. 42, and 35 Geo. 3, c. 30, which render the law on this subject in Ireland different from that in England, should be repealed.

3. That the practice in England of the Court of Error, giving interest for delay of execution, whether the judgment is or is not affirmed, should be extended to Ireland.

4. That the judges in Ireland should be authorised to settle a schedule regulating the expenses and remuneration to be allowed to witnesses.

5. That in all cases of arrest under a judge's fiat or order, under the 1 & 2 Vict. c. 110, a copy of the affidavit or affidavits upon which such fiat was granted should be lodged with the sheriff with the writ, and should by him be served on the defendant on his arrest, and that the plaintiff should be required to serve his writ at the time, or within three days after the arrest, and proceed to trial on the first opportunity.

6. That the powers given to courts of law in England in ejectment by mortgagee against mortgagor, to compel mortgagee to reconvey the mortgaged premises, and deliver up the title deeds, in case the mortgagor should pay or bring into court the mortgage money, interest, and costs, be extended to Ireland.

(To be continued).

NEW QUEEN'S COUNSEL.—W. H. Cooke, Esq., John Gray, Esq., and J. J. Powell, Esq., M. P., all of the Oxford Circuit, and George Loch, Esq., have been appointed her Majesty's counsel learned in the law.

TUESDAY, Nov. 3.

## BANKRUPTS.

*To be heard in London.*

ATTWELL, ROMEO THEODORE, Bermondsey New-road, and Holywell-lane, Shoreditch, butcher, Nov. 19. *Off. Ass. Graham; Sol. Pearce, 8, Giltspur-street.*—*Pet. f. Oct. 27.*

CLIFFORD, THOMAS, Leather-lane, Holborn, out of business, Nov. 23. *Off. Ass. Stansfeld; Sol. Aldridge, 44, Moorgate-street.*—*Pet. f. Oct. 28.*

COOKE, FREDERICK WILLIAM, Church-street, Hackney, gasfitter, Nov. 23. *Off. Ass. Stansfeld; Sol. Heath, 12, St. Helen's place.*—*Pet. f. Oct. 29.*

DANEY, GEORGE, Wigmore-street, Cavendish-square, watchmaker, Nov. 17. *Off. Ass. Edwards; Sol. Godfrey, 5, South-square, Gray's Inn.*—*Pet. f. Oct. 31.*

DAY, JOHN, Chertsey, Surrey, carter, Nov. 19. *Off. Ass. Graham; Sol. Page, 21, Manchester-square.*—*Pet. f. Oct. 31.*

EVANS, OWEN, Stafford-street, Bond-street, surgeon, Nov. 23. *Off. Ass. Cannon; Sol. Mote, 33, Bucklersbury.*—*Pet. f. Oct. 27.*

FRANCE, JOHN, Compton-street, Burton-crescent, furnishing ironmonger, Nov. 19. *Off. Ass. Graham; Sol. Cooper, 9, Charing-cross.*—*Pet. f. Oct. 30.*

FRIEND, HENRY, Wimbledon, Surrey, gunmaker, Nov. 23. *Off. Ass. Stansfeld; Sols. Ellis & Co., Rectory House, St. Michael's-alley, Cornhill.*—*Pet. f. Oct. 28.*

HENF, CHARLES, Fitzroy-place, Fitzroy-square, baker, Nov. 23. *Off. Ass. Stansfeld; Sols. Lewis & Co., 7, Wilmington-square.*—*Pet. f. Oct. 31.*

HIXMAN, HENRY JAMES, Lee, Kent, apothecary, Nov. 17. *Off. Ass. Stansfeld; Sols. Lawrance & Co., 14, Old Jewry-chambers.*—*Pet. f. Oct. 31.*

HOLDSWORTH, HENRY, Reigate, Surrey, out of business, Nov. 19. *Off. Ass. Graham; Sols. Duncan & Co., 13, Southampton-street, Bloomsbury; Hart & Co., Reigate.*—*Pet. f. Oct. 29.*

HOLT, WILLIAM, Gower-street, Bedford-square, barrister-at-law, Nov. 23. *Off. Ass. Stansfeld; Sol. Waldron, 59, Lamb's Conduit-street.*—*Pet. f. Oct. 29.*

HOUTON, ROBERT TIMOTHY WILDBORR, Jack's Coffee-house, Mark-lane, corn factor, Nov. 19. *Off. Ass. Graham; Sol. Brady, 5, Milre-court, Fleet-street.*—*Pet. f. Oct. 28.*

JENNINGS, JOHN, Bridge-row, Battersea, out of business, Nov. 23. *Off. Ass. Stansfeld; Sols. Lewis & Co., 10, Ely-place, Holborn.*—*Pet. f. Oct. 31.*

MANLEY, JOHN, Croydon, auctioneer, Nov. 23. *Off. Ass. Stansfeld; Sols. Hamcock & Co., 36, Carey-street, Lincoln's Inn.*—*Pet. f. Oct. 30.*

MILLS, THOMAS, Hastings, victualler, Nov. 23. *Off. Ass. Stansfeld; Sols. S. P. Langham & Co., 19, Bartlett's-buildings, Holborn; J. G. Langham & Co., Hastings.*—*Pet. f. Oct. 29.*

MOORE, SAMUEL, Cole's-terrace, Bamsbury, grocer's warehouseman, Nov. 19. *Off. Ass. Graham; Sol. Chidley, 25, Old Jewry.*—*Pet. f. Oct. 28.*

MOORTON, JAMES WILLIAM, Stanstead-cottage, Buckhurst-hill, out of business, Nov. 19. *Off. Ass. Graham; Sol. Hutson, 20, Upper Clifton-street, Finsbury.*—*Pet. f. Oct. 31.*

MORRIS, JOSEPH, High street, Poplar, bootmaker, Nov. 19. *Off. Ass. Graham; Sols. Wood & Co., 4, Coleman-street-buildings.*—*Pet. f. Oct. 27.*

MYER, HENRY, Praed-street, Paddington, tailor, Nov. 16. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.*—*Adj. Oct. 21.*

SCANLAN, ROGER, Great Hermitage-street, Wapping, boarding-house keeper, Nov. 16. *Off. Ass. Graham; Sols. Wood & Co., 4, Coleman-street-buildings.*—*Pet. f. Oct. 28.*

SEBRIGOT, THOMAS, Southsea, Portsea, builder, Nov. 16. *Off. Ass. Stansfeld; Sols. Jones & Co., 5, New-inn, Strand; Palford, Portsea.*—*Pet. f. Oct. 29.*

SHARPE, WILLIAM, New Romney, Kent, plumber, Nov. 16. *Off. Ass. Graham; Sols. Lawrance & Co., 14, Old Jewry-chambers.*—*Pet. f. Oct. 30.*

SMALE, JAMES SELBY, Dartford, keeper of a tavern tap, Nov. 16. *Off. Ass. Stansfeld; Sol. Venn, 3, New-inn, Strand.*—*Pet. f. Oct. 31.*

STILL, JOHN, Margaret-street, Cavendish-square, and Hampton-road, Upper Holloway, licensed victualler, Nov. 16. *Off. Ass. Graham; Sol. Fraser, 8, Falcon-street, Aldersgate.*—*Pet. f. Oct. 30.*

WATTS, EDWARD KESWELL, Randolph-road, Paddington, gentleman, Nov. 16. *Off. Ass. Graham; Sol. Graham, 34, Basinghall-street.*—*Pet. f. Oct. 30.*

WEBB, WILLIAM, Hampstead-road, draper's assistant, Nov. 16. *Off. Ass. Stansfeld; Sols. Wood & Co., 4, Coleman-street-buildings.*—*Pet. f. Oct. 29.*

*To be heard in the Country.*

ARONBERG, WOLFE, Liverpool, dealer in stereoscopic portraits, Nov. 16, Liverpool. *Off. Ass. Turner; Sols. Keastley & Co., Liverpool.*—*Pet. f. Oct. 31.*

AYERS, JOHN F., Gloucester, licensed victualler, Nov. 13, Bristol. *Off. Ass. Acraman; Sols. Cooke & Co., Gloucester; Bevan & Co., Bristol.*—*Pet. f. Oct. 31.*

BARKER, ROBERT, Huddersfield, Yorkshire, cotton spinner, Nov. 16, Leeds. *Off. Ass. Carrick; Sols. Rloyd & Co., Huddersfield; Bond & Co., Leeds.*—*Pet. f. Nov. 2.*

BRITTAIN, CHRISTOPHER, Great Staughton-highway, Huntingdonshire, market gardener, Nov. 12, St. Neots. *Off. Ass. Day; Sol. Marshall, 9, Lincoln's Inn-fields.*—*Pet. f. Oct. 24.*

BULLMORE, WILLIAM, Nasington, Northamptonshire, sawyer, Nov. 19, Oundle. *Off. Ass. Wilson; Sol. Law, Stamford.*—*Pet. f. Oct. 27.*

CALVERT, GEORGE, Gainsborough, Lincolnshire, painter, Nov. 13, Gainsborough. *Off. Ass. Burton; Sol. Hayes, Gainsborough.*—*Pet. f. Oct. 30.*

COOPER, WILLIAM, Huddersfield, joiner, Nov. 16, Huddersfield. *Off. Ass. Jones; Sol. Rykes, Huddersfield.*—*Pet. f. Oct. 28.*

DAVIS, ANN, Westminster, Bristol, licensed victualler, Nov. 20, Bristol. *Off. Ass. Harley; Sols. Clifton & Co., Bristol.*—*Pet. f. Oct. 29.*

DENNIS, HENRY, and CHRISTIAN, SAMUEL, Deuton, Lancashire, joiners, Nov. 17, Manchester. *Off. Ass. Pott; Sol. Boots, Manchester.*—*Pet. f. Oct. 30.*

DERRON, ROBERT, Wallbottle, Northumberland, gardener, Nov. 16, Newcastle-upon-Tyne. *Off. Ass. Clayton; Sol. Bush, Newcastle-upon-Tyne.*—*Pet. f. Oct. 26.*

DERR, ROBERT BARTEN, Leeds, builder, Nov. 18, Leeds. *Off. Ass. Sangster; Sol. Harle, Leeds.*—*Pet. f. Oct. 27.*

DEURY, JOHN, Halifax, millwright, Nov. 20, Halifax. *Off. Ass. Rankin; Sol. Jub, Halifax.*—*Pet. f. Oct. 31.*

FABIAN, JOHN, Skircoat, near Halifax, builder, Nov. 20, Halifax. *Off. Ass. Kankin; Sol. Harle, Leeds.*—*Pet. f. Oct. 29.*

FENT, ROBERT, Duffield, Derbyshire, butter huckster, Nov. 17, Nottingham. *Off. Ass. Harrie; Sol. Maples, Nottingham.*

GREE, JOHN, Heywood, Lancashire, builder, Nov. 20, Manchester. *Off. Ass. Hermann; Sols. Sale & Co., Manchester.*—*Pet. f. Oct. 31.*

GREGORY, JAMES, Newchurch, Lancashire, loom jobber, Nov. 25, Manchester. *Off. Ass. Pott; Sol. Richardson, Manchester.*—*Pet. f. Oct. 30.*

HALL, JOHN PARKER, Liverpool, commission merchant, Nov. 13, Liverpool. *Off. Ass. Morgan; Sol. Pemberton, Liverpool.*—*Pet. f. Oct. 24.*

HARPER, JACOB, Leeds, salmonger, Nov. 18, Leeds. *Off. Ass. Sangster; Sol. Harle, Leeds.*—*Pet. f. Oct. 27.*

HEATH, RICHARD, Madeley, Shropshire, miner, Nov. 14, Madeley. *Off. Ass. Potts; Sol. Walker, Wellington.*—*Pet. f. Oct. 31.*

HIGGINS, GEORGE, Cranfield, Bedfordshire, labourer, Nov. 13, Newport Pagnell. *Off. Ass. Farrot; Sol. Stimson, Bedford.*—*Pet. f. Oct. 20.*

HILL, HENRY, Wolverhampton, licensed retailer of ale, Nov. 14, Wolverhampton. *Off. Ass. Brown; Sol. Bartlett, Wolverhampton.*

HORLEY, JULIA, Wigan, Lancashire, teacher, Nov. 19, Wigan. *Off. Ass. Part; Sols. Evans & Co., Liverpool.*—*Adj. Oct. 10.*

HEDDER, WILLIAM, Marsh, Huddersfield, butcher, Nov. 16, Huddersfield. *Off. Ass. Jones; Sol. Dransfield, Huddersfield.*—*Pet. f. Oct. 29.*

HUTCHINSON, JANE, Ambly, Northumberland, grocer, Nov. 16, Alnwick. *Off. Ass. Wilson; Sol. Smith, Alnwick.*—*Pet. f. Oct. 28.*

LIMBICK, EDWARD HILL, Bath, bootmaker, Nov. 13, Bath. *Off. Ass. Smith; Sol. Wilton, Bath.*—*Pet. f. Oct. 27.*

LEARD, JOHN, Benlue, Montgomeryshire, plasterer, Nov. 16, Welshpool. *Off. Ass. Harrison; Sol. Jones, Welshpool.*—*Pet. f. Oct. 29.*

LOAN, JOHN, Basing, Lancashire, broker, Nov. 26, Manchester. *Off. Ass. Hermann; Sol. Richardson, Manchester.*—*Pet. f. Oct. 30.*

LYON, SAMUEL, Aston, near Birmingham, railway clerk, Nov. 23, Birmingham. *Off. Ass. Gussie; Sol. Atkins, Birmingham.*—*Pet. f. Oct. 29.*

MARTIN, STEPHEN, West Bromwich, Staffordshire, carpenter, Nov. 20, West Bromwich. *Off. Ass. Watson; Sol. Shakespears, Oldbury.*—*Pet. f. Oct. 31.*

MIRSHALL, THOMAS, Stone, Staffordshire, out of employment, Nov. 16, Birmingham. *Off. Ass. Kinnear; Sols. Young, Longton; Hodgson & Co., Birmingham.*—*Pet. f. Oct. 22.*

MOORE, GEORGE ISAAC, Liverpool, bookseller, Nov. 13, Liverpool. *Off. Ass. Morgan; Sol. Henry, Liverpool.*—*Pet. f. Oct. 31.*

NELSON, DAVID, Birmingham, doctor of medicine, Nov. 18, Birmingham. *Off. Ass. Whitmore; Sols. James & Co., Birmingham.*—*Pet. f. Oct. 30.*

NORRIS, JAMES, Oldham, Lancashire, greengrocer, Nov. 19, Oldham. *Off. Ass. Summerscales; Sol. Andrew, Manchester.*—*Pet. f. Oct. 13.*

OKELL, JOHN, Liverpool, chemist, Nov. 13, Liverpool. *Off. Ass. Morgan; Sols. Forshaw & Co., Liverpool.*—*Pet. f. Oct. 23.*

OLDHAM, JOHN, Derby, commission agent, Nov. 19, Derby. *Off. Ass. Weller; Sol. Leach, Derby.*—*Pet. f. Oct. 20.*

PARKER, JAMES, Liverpool, licensed victualler, Nov. 17, Liverpool. *Off. Ass. Turner; Sol. Bremner, Liverpool.*—*Pet. f. Oct. 30.*

PARNON, ROBERT, Dartmouth, Devonshire, bootmaker, Nov. 14, Totnes. *Off. Ass. Bryett; Sol. Cumming, Totnes.*—*Pet. f. Oct. 30.*

FRITCHARD, JAMES, Abergavenny, Monmouthshire, coal dealer, Nov. 17, Abergavenny. *Off. Ass. Batti.*—*Adj. Oct. 13.*

REYNOLDS, HENRY, Birmingham, scrivener, Nov. 16, Birmingham. *Off. Ass. Whitmore; Sols. James & Co., Birmingham.*—*Pet. f. Oct. 29.*

RILEY, JOHN BENJAMIN, Nottingham, slater, Nov. 16, Nottingham. *Off. Ass. Harris; Sol. Maples, Nottingham.*—*Adj. Oct. 19.*

SALISBURY, JOSEPH, Borrowash, Derbyshire, brewer, Nov. 19, Derby. *Off. Ass. Weller; Sol. Leach, Derby.*—*Pet. f. Oct. 17.*

SCOTT, HENRY, Banbury, Oxfordshire, carpenter, Nov. 14, Banbury. *Off. Ass. Fortescue; Sol. Pellatt, Banbury.*—*Pet. f. Oct. 31.*

SCOTT, JOHN, Derby, joiner, Nov. 19, Derby. *Off. Ass. Weller; Sol. Smith, Derby.*—*Pet. f. Oct. 24.*

SMITH, THOMAS HIRST, Huddersfield, cloth dresser, Nov. 16, Huddersfield. *Off. Ass. Jones; Sol. Clough, Huddersfield.*—*Pet. f. Oct. 22.*

STANFORD, JOSEPH, Wombourne, Staffordshire, farmer, Nov. 14, Wolverhampton. *Off. Ass. Brown; Sol. Bartlett, Wolverhampton.*

STICKLAND, WILLIAM, Manchester, grocer, Nov. 16, Manchester. *Off. Ass. Kay; Sols. Cretcher & Co., Manchester.*—*Pet. f. Oct. 28.*

TAYLOR, SAMUEL, Much Wenlock, Shropshire, lime burner, Nov. 14, Madeley. *Off. Ass. Potts; Sol. Walker, Wellington.*—*Pet. f. Oct. 29.*

TILSON, JAMES, King's Lynn, Norfolk, merchant's clerk, Nov. 21, King's Lynn. *Off. Ass. Wilson; Sol. Beloe, King's Lynn.*—*Pet. f. Oct. 30.*

UPTON, WILLIAM, Chorlton-upon-Medlock, Manchester, insurance clerk, Nov. 16, Manchester. *Off. Ass. Kay; Sol. Boots, Manchester.*—*Pet. f. Oct. 29.*

WADE, ROBERT, Birmingham, out of business, Nov. 20, Kettering. *Off. Ass. Nettleship; Sol. Douglas, Market Harborough.*—*Pet. f. Oct. 28.*

WAINSCOTT, CHARLES, Hereford, watchmaker, Nov. 27, Birmingham. *Off. Ass. Kinnear; Sol. Suckling, Birmingham.*—*Pet. f. Oct. 29.*

WENTERTON, BESWICK, Oldham, Lancashire, machine maker, Nov. 20, Oldham. *Off. Ass. Summerscales; Sol. Gardner, Manchester.*—*Adj. Oct. 17.*

WAYATT, HENRY, Dovercourt, Harwich, licensed victualler, Nov. 19, Harwich. Off. Ass. Chapman; Sol. Jones, Colchester.—Pet. f. Oct. 23.

WILKES, SAMUEL, Hartbury, Gloucestershire, bootmaker, Nov. 24, Newent. Off. Ass. Cooke; Sol. Wilkes, Gloucester.—Pet. f. Oct. 30.

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## GAZETTES.—FRIDAY, NOV. 6.

## BANKRUPTS.

*To be heard in London.*

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BROOKS, WILLIAM, Great Marlow, Buckinghamshire, baker, Nov. 24. Off. Ass. Edwards; Sol. Spicer, 5, Staple-inn.—Pet. f. Nov. 3.

BURN, WILLIAM, Uxbridge, commission agent, Nov. 24. Off. Ass. Edwards; Sol. Jennings, Uxbridge, and 1, Gray-street, Manchester-square.—Pet. f. Nov. 2.

COLLINS, BENJAMIN, Sandgate, Kent, waiter, Nov. 19. Off. Ass. Graham; Sols. Nichols & Co., 9, Cook's-court, Lincoln's-inn.—Pet. f. Nov. 2.

COTTERILL, HENRY, Sunninghill, Berkshire, grocer, Nov. 23. Off. Ass. Stansfeld; Sol. King, 29, Queen-street, Chesham.—Pet. f. Nov. 2.

DANCE, ELISA, Buttsland-street, Hoxton, out of business, Nov. 30. Off. Ass. Stansfeld; Sols. Treherne & Co., 75, Aldermanbury.—Pet. f. Nov. 3.

DREWRY, JOSEPH SAMUEL, Pennington-street, Old Gravel-lane, Saint George's-in-the-East, assistant to a greengrocer, Nov. 30. Off. Ass. Stansfeld; Sol. Philby, 3, Fenchurch-buildings.—Pet. f. Nov. 4.

DURELL, WILLIAM, New Inn-yard, Shoreditch, cabinet turner, Nov. 30. Off. Ass. Stansfeld; Sols. Lewis & Co., 7, Wilmington-square.—Pet. f. Nov. 2.

DURANT, ROBERT, High-street, Notting-hill, furniture dealer, Nov. 19. Off. Ass. Graham; Sol. Hare, 65, Basinghall-street.—Pet. f. Nov. 3.

ELKES, FREDERICK, Hethpool-street, Hall-park, Maids-hill, shopman, Nov. 19. Off. Ass. Graham; Sol. Wells, 47, Moorgate-street.—Pet. f. Nov. 4.

EVANS, AUGUSTUS FREDERICK, Rood-lane, City, American merchant, Nov. 19. Off. Ass. Graham; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Nov. 2.

FINE, GEORGE, Southend and Shoeburyness, Essex, boot maker, Nov. 19. Off. Ass. Graham; Sol. Dalton, 3, Bucklersbury.—Pet. f. Nov. 3.

FLEET, BENJAMIN, Apollo-buildings, North East-street, Walworth, and Barnett, soda water manufacturer, Nov. 24. Off. Ass. Edwards; Sols. Jones & Co., Tooley-street.—Pet. f. Nov. 2.

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HOLDON, RICHARD, Swallow-street, Piccadilly, oilman, Nov. 30. Off. Ass. Stansfeld; Sol. Leader, 27, Orchard-street, Portman-square.—Pet. f. Nov. 4.

JACOBS, JOHN WILKINSON, St. James's-crescent, St. James's-road, Bermondsey, wharfinger's clerk, Nov. 24. Off. Ass. Edwards; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. Nov. 4.

KEMP, JAMES, Meredith-street, Clerkenwell, goldsmith, Nov. 19. Off. Ass. Graham; Sols. Boulton & Co., 21A, Northampton-square, Clerkenwell.—Pet. f. Oct. 31.

PICKARD, GEORGE STANLEY, Bolsover-street, Euston-road, collector to an insurance office, Nov. 24. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 4.

PYMONT, CHARLES EDWIN, Leipsic-cottage, Leipsic-road, Camberwell, clerk in the Custom-house, Nov. 16. Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Oct. 31.

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ALLNATT, WILLIAM, Wallingford, Berkshire, bootmaker, Nov. 20, Wallingford. Off. Ass. Atkinson; Sol. Smith, Reading.—Pet. f. Oct. 29.

ASH, JOHN, Hanley, Staffordshire, potter, Nov. 28, Hanley. Off. Ass. Challinor; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. Nov. 5.

BATES, ELY, Halifax, grocer, Nov. 20, Halifax. Off. Ass. Rankin; Sol. Jubb, Halifax.—Pet. f. Nov. 3.

BECKWORTH, WILLIAM, Whitwick, Leicestershire, builder, Nov. 17, Nottingham. Off. Ass. Harris; Sols. Bass & Co., Burton-on-Trent; Wright, Birmingham.—Pet. f. Nov. 3.

BISHOP, CHARLES RICHARD, Jump, near Barnsley, Yorkshire, beer-house keeper, Dec. 10, Barnsley. Off. Ass. Shepherd; Sol. Mason, York and Sheffield.—Pet. f. Nov. 3.

BROWN, JAMES, Great Berkhamstead, Hertfordshire, saddler, Nov. 19, Chesham. Off. Ass. Francis; Sol. Buchanan, Basinghall-street.—Pet. f. Oct. 31.

BUSE, THOMAS SAMUEL, Norwich, Jeweller's assistant, Nov. 30, Norwich. Off. Ass. Palmer; Sol. Chittick, Norwich.—Pet. f. Nov. 4.

CALVERT, JOHN, Harrogate, Yorkshire, out of business, Nov. 18, Knaresborough. Off. Ass. Gill; Sol. Harle, Leeds.—Pet. f. Oct. 28.

CHAMBERLAIN, SAMUEL, Denver, Norfolk, farmer, Nov. 18, Downham Market. Off. Ass. Reed; Sol. Wilkin, King's Lynn.—Pet. f. Nov. 3.

CONER, WILLIAM PARK, Hanley, Staffordshire, potter, Nov. 28, Hanley. Off. Ass. Challinor; Sol. Tennant, Hanley.—Pet. f. Nov. 5.

CROSLEY, JESSE, Bradford, Yorkshire, painter, Nov. 18, Bradford. Off. Ass. Robinson; Sol. Green, Bradford.—Pet. f. Nov. 3.

CROWTHER, JOSEPH, Bacup, Lancashire, auctioneer, Nov. 24, Manchester. Off. Ass. Pott; Sols. Standing & Co., Rochdale.—Pet. f. Nov. 3.

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KARSLAKE, JOHN, Yarnscombe, Devonshire, yeoman, Nov. 16, Turrington. Off. Ass. Price; Sol. Bencraft, Barnstaple.—Pet. f. Nov. 2.

LAMB, ROBERT, Stockport, Lancashire, news agent, Nov. 27, Stockport. Off. Ass. Coppock; Sol. Howard, Stockport.—Pet. f. Oct. 30.

LANE, WILLIAM, Darlington, Durham, builder, Nov. 19, Darlington. Off. Ass. Bowes; Sol. Stevenson, Darlington.—Pet. f. Nov. 3.

LEWIS, DAVID, Canton, Glamorganshire, licensed victualler, Nov. 21, Merthyr Tydfil. Off. Ass. Russell; Sol. Smith, Merthyr Tydfil.—Pet. f. Nov. 4.

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MASON, JAMES, Ware, Hertfordshire, malt factor, Nov. 16, Hertford. Off. Ass. Spence.—Adj. Oct. 20.

OWEN, JAMES, Smedley, near Manchester, farmer, Nov. 30, Manchester. Off. Ass. Kay; Sol. Lamb, Manchester.—Pet. f. Nov. 4.

PARKINSON, EDWARD, Manchester, joiner, Nov. 30, Manchester. Off. Ass. Kay; Sol. Bent, Manchester.—Pet. f. Nov. 2.

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[For continuation of Gazette, see p. 403.]

## CONTENTS.

London Gazettes.....	398
Leading Article .....	399
Correspondence .....	400
Okane v. Okane and Viscount Palmerston.....	401
The Weekly Reporter .....	401
New Rules .....	401
Public Examination of Students for Michaelmas Term	402
New Trials moved in Michaelmas Term.....	402
Statutes passed during the late Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

The Amalia.—( <i>Admiralty—Merchant Shipping Act Amendment Act, 1862 (25 &amp; 26 Vict. c. 63)—Collision—British ship—Foreign ship—High seas—Limited liability</i> ) .....	1111
The Falkland—The Navigator.—( <i>Admiralty—Collision—Changing tack—Ordinary method—Tacking—Wearing</i> ) .....	1113

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Willyams v. Bullmore—Bullmore v. Willyams.—( <i>Mortgagor and mortgagee—Immoral consideration—Indivisibility of consideration</i> ) .....	1115
Re Page.—( <i>Taxation—Auctioneer's charges</i> ) .....	1116
The Attorney-General v. The Portreeve, Aldermen, and Burgesses of Avon.—( <i>Municipal Corporations Act—Construction of—Grant of charter—Old and new corporations—Corporate rights—Parties</i> ) .....	1117

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Pince v. Beattie.—( <i>Solicitor—Full costs—Commission in addition to costs</i> ) .....	1119
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## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Pelley v. Bascombe.—( <i>Infancy and coverture—Possession not adverse—Statute of Limitations—Mortgagor and mortgagee—Liability to account</i> ) .....	1120
Wros v. Seed.—( <i>Administration suit, executors ordered to pay costs of—Duties of executors</i> ) .....	1122
Hemings v. Pugh.—( <i>Money received by agent—Bill for an account and discovery—Demurrer allowed</i> ) .....	1124

## COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

The Overseers of the Township of Scriven with Tentergate, App., The Rev. James Fawcett, Resp.—( <i>Poor rate—Assessment—Deductions of incumbent in respect of curate's salary—Tithe rent-charge—Glebe lands</i> ) .....	1125
Reg. v. James and Others.—( <i>Highway—Order of justices, directing indictment for non-repair—5 &amp; 6 Will. 4, c. 50 (General Highway Act), s. 95—23 &amp; 24 Vict. c. 68 (South Wales Act), s. 40</i> ) .....	1126
Ex parte Johnson.—( <i>Bastardy order—Appeal—Notice of, when to be given—7 &amp; 8 Vict. c. 101, s. 4</i> ) .....	1128
Wilson, App., Stewart, Resp.—( <i>Harbouring prostitutes—Master and servant—Principal and abettor—2 &amp; 3 Vict. c. 47, s. 44—11 &amp; 12 Vict. c. 43, s. 5</i> ) .....	1130

## COURT OF COMMON PLEAS.

By E. BULLOCK, Barrister at Law.

Tobin and Another v. Reg.—( <i>Petition of Rights Act, 1860—Pleading—Plea and demurrer—General traverse—Prerogative of the Crown</i> ) ..	1130
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## THE JURIST.

LONDON, NOVEMBER 14, 1863.

THE case of *The Alexandra (The Attorney-General v. Sillim and Others)* has been brought before the Court of Exchequer, the Attorney-General having abandoned the bill of exceptions tendered at the trial by his predecessor in office, and obtained a rule nisi for a new trial on the ground of misdirection, and the verdict being against the evidence; it being understood that should the decision be against him, he will take the case by appeal to a superior tribunal.

It is not our intention to discuss the important legal question raised in this case; but we propose to direct attention to one which it incidentally suggests, namely, the correctness of the existing practice relative to the mode of evidencing to a court in banc what has taken place at a trial, including the points raised by counsel, and the summing up of the judge. In the present instance, as in many others, a discrepancy exists between the counsel and the judge—between the Lord Chief Baron, by whom the cause was tried, and the Attorney-General, as counsel for the Crown,—with respect to the manner in which the jury were directed; and the Court has already intimated its intention to follow the usual course, by taking the judge's report as conclusive.

The principle that, whether the decision of a tribunal be well or ill founded as regards the law or the merits of the cases that come before it, its authority

is conclusive on the question as to what it did in point of fact decide, seems of universal jurisprudence. For this reason it is that the law does not allow any averment against a record; and a good illustration may be seen in the ancient laws of Wales, which, although they in general required two witnesses for the proof of a fact, contained this provision, "If one of two parties, between whom a lawsuit has taken place, deny the judgment, and the other acknowledge it, the statement of the judge is in that case final respecting his judgment." (Venedotian Code, book 2, ch. 4, § 4; Dime-tian Code, book 2, ch. 5, § 4).

It is probably in furtherance of this principle that our law, or practice at least, will receive no evidence to contradict the statement of the judge by whom a cause has been tried as to what took place at the trial. This we conceive is more correct than saying, as is sometimes said, that the Court will not receive evidence of anything which is not on the judge's notes; for if a judge, while declaring that he did not make any note of a supposed fact, admits, nevertheless, that it may have occurred, the Court will listen to other evidence of it, such as the notes on the briefs of counsel, &c., and sometimes even the notes of a short-hand writer. Indeed, in practice, judges rarely take down the whole of the evidence in the cases before them, especially when it is voluminous, or consisting chiefly of written documents; nor is it desirable, were it even possible, that they should do so—such a duty would distract their attention from the far more important ones of watching the demeanour, and judging the credibility, of the witnesses, and directing the

jury. A defence of the existing practice will be found in the case of *Gibbs v. Pike* (9 M. & W. 351, 360; 6 Jur., O.S., part 1, pp. 465, 467). There a rule nisi for a new trial had been granted on the ground of the improper rejection of certain evidence, as to the tendering of which the note of Lord Abinger, C. B., by whom the cause was tried, was silent. On argument, the rule was discharged, and Lord Abinger, in delivering his judgment, said—"I cannot agree to the principle of taking the statements of counsel on such a point as that. What record can you properly appeal to for what took place at the trial except the judge's notes? It is always in the power of counsel, who is dissatisfied at the rejection of a piece of evidence, to tender a bill of exceptions; or he may first ask the judge to make a note of the tender, and if the request is denied, then tender his bill of exceptions. But in the course of a trial, many points of evidence are suggested, on which the judge gives a hasty opinion; and if counsel do not press the point, or ask the judge to make a note of it, what is the Court in banc to do, when the question of the admissibility of the evidence is brought before them? If they depart from the judge's note as the record of what took place at the trial, what a wide field of discussion would be opened! They would have to take, in the first instance, whatever the objecting counsel might suggest, whose representation of the facts would, in all probability, be denied by the counsel on the other side, and the Court would be plunged into a sea of difficulty. Is it not better to take the judge's note as an authority? and when a particular fact is not found there, counsel ought not afterwards to raise a question upon it." Alderson, B., added—"I quite agree with my Lord Chief Baron on the main point in this case, and also as to the necessity of counsel distinctly making a formal tender to the judge at Nisi Prius of evidence which he has declared inadmissible. Such a course puts the fact beyond all dispute at a subsequent period, and saves all the difficulties which might arise from a contest between the opposite counsel as to what took place at the trial."

While the arguments used in this case are unanswerable as showing the inconvenience that would result from Courts relying on the statements of counsel as the proper evidence of what has taken place at a trial, it may still be made a question, and this case of *The Alexandra* may, perhaps, be relied on as an illustration, whether the practice on the subject is altogether satisfactory. Many persons have suggested the appointment of an officer, under the name of a notary, registrar, greffier, &c., to make a *verbatim* report of all that takes place at a trial. The expense would, no doubt, be considerable, but that should not be weighed for a moment, if the proposed plan could be shewn an improvement in the administration of justice. That it would be so is, however, a debateable point, and it may be remembered, that the bill on which the 25 & 26 Vict. c. 86, for regulating the practice in lunacy was founded, contained a provision, afterwards struck out by the House of Commons, that a shorthand writer should attend every commission of lunacy, the transcript of whose notes should be admissible as evidence. Without, however, discussing this question in its general form, and confining ourselves to that portion of it which relates to the charges of judges to juries, we observe, that before instituting

such an officer, it would be necessary to determine in the first instance, whether his notes should be taken as *conclusive* evidence of what took place at the trial. If not, the difficulty is only shifted, not got rid of; and it may fairly be urged, that if infallibility in the narration of those facts is to be attached to any quarter, the judge is the most fitting depository of it. Still, we cannot shut our eyes to this, that the notes of judges differ amazingly in fullness and clearness; and must express our opinion, that more frequent recourse to the notes of a short-hand writer to establish what the judge did say to the jury, so long as those notes are not used to *contradict* what he, *ex cathedra*, reports himself to have said, would be desirable. This is particularly the case where the direction of a judge is attacked, not on the ground that he finally put the wrong points to the jury, but that, in the course of his summing up, he made observations limiting or qualifying those points in such a manner as to amount to misdirection; for there is no principle better established, or more in accordance with the obvious dictates of justice, than that in order to decide on the legal soundness of a judge's charge, it must be taken all together. The judge who remembers perfectly well, or even writes down in his notes, the questions he put to the jury, may have altogether overlooked expressions limiting or qualifying them. Suppose, in an action for trespass to land, to which the defendant pleads leave and license, which is traversed, the judge were to tell the jury, that the question for them to determine was whether, on the occasion in question, the defendant entered the land by leave and license of the plaintiff. Taken simpliciter, it would be impossible to complain of this, or to say that the judge had not put the proper question to the jury; but suppose it further appeared, that in the course of his summing up he had told them that the leave and license, in order to be effectual, must be by deed, the introduction of this erroneous position would render his charge a misdirection. Many similar cases can be imagined.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—The Merchant Shipping Act Amendment Act, 1862, seems to affect a change in the law as hitherto administered by the Court of Admiralty, in cases of collision arising through the default of *both* vessels, to which it is important that the attention of the public should be immediately called.

In such cases, where there were cross suits, the ancient rule of the Admiralty Court was to apportion the damage equally between the parties. More recently, when powers were given by statute to frame regulations for the purpose of promoting the safety of navigation, such statutes contained what may be termed a *disabling clause*, providing, that in case it should appear that a collision was occasioned by the non-observance on the part of any vessel of any of the regulations framed in pursuance of the provisions of the particular act, the owner of the vessel guilty of such non-observance should be debarred from recovering any compensation in respect of the damage so sustained, unless it appeared that a departure from the rule was necessary under the circumstances.

The modification thus engrafted by the statutes upon the ancient rule, has hitherto been strictly acted upon in the Court of Admiralty. Thus, where one of the colliding vessels had been guilty of a breach of the statutory regulations, and the other, though negligent, had violated a rule of seamanship only, as distinguished from a *statutory* rule, the former was, by

the operation of the statute, prevented from recovering at all, while the latter was entitled to recover half her damages in accordance with the ancient rule. (See *The Hansfell*, 1 Spinks, 269; *The Aurora*, 1 Lush. 327).

So, where both vessels had been guilty of a breach of statutory regulations, it was held, by the Privy Council, that by operation of the statute, neither could maintain a suit against the other. (*The James*, Swab. 60; *The Unity*, Id. 101).

The act of 1862 repeals, amongst others, the disabling section (298) of the Merchant Shipping Act, 1854, and merely provides, that when there has been such a breach of the statutory rule, as under that and the former acts would have debarred a vessel from recovering at all, it shall be made a presumption of law that such vessel was *in fault* for the collision. This seems to abolish the distinction hitherto so strictly maintained between the consequences of a violation of a statutory and a mere ordinary rule of navigation, and to call into operation the ancient practice of apportioning the damage in *all cases* alike.

WILLIAM POTTER.

4, Paper-buildings, Nov. 5, 1863.

### OKANE v. OKANE AND VISCOUNT PALMERSTON.

A PERSON of the name of Okane, and not Duncan, as at first supposed, has commenced proceedings in the Divorce Court against his wife, praying for a dissolution of their marriage on the ground of her adultery, in which the Prime Minister, Viscount Palmerston, appears as the co-respondent, the damages being laid, we believe, as high as 30,000*l*. We understand that one of the defences to be relied on by the respondent will be a denial of the validity of her marriage with the petitioner.

It having been suggested in some of the newspapers that this matter was likely to be compromised, the following letter was addressed to *The Star* by the solicitor for the petitioner:—

"Sir,—I beg to inform you that there is no foundation whatever for the statement made in your paper of the 31st ult., viz.—'that an arrangement had been entered into between the petitioner and the respondent in a certain important suit now instituted in the Divorce Court, and that the terms of such arrangement had been agreed to.'

"I am, Sir, your obedient servant,

"THOS. WELLS,

"Solicitor for the Petitioner.

"47, Moorgate-street, London, E. C., Nov. 2."

Two days later, another letter from the attorney of the respondent appeared in *The Standard*, addressed to the editor of that paper:—

"Sir,—Having just read the 'sensation' leaders in your evening edition of to-day, and in *The Evening Star* of yesterday, under the above heading, I am compelled to break silence, by declaring, as the solicitor for the respondent, that I believe the *whole* of the statements in the petition to be untrue, as my client solemnly declares them to be. As to the noble co-respondent, he is in highly respectable hands, who are quite able to take care of their client's honour; and I should not have thought it necessary to say a word on behalf of the respondent, but for the manner in which the case has been most unjustifiably canvassed on the faith of the mere filing of a petition, of which not one word has been or (as I believe) *can be* proved to be true. I have been always taught, that common justice demanded an absence of comment on

a case until *after* the trial. How has it been observed in *this instance*?

"Now, Sir, in reference to your leader of to-day, I would beg to ask you whether you can in any way justify your reference to the co-respondent as '*the hoary defendant*?' The very words seem to assume guilt on his part.

"Then you say, '*a respectable firm* of solicitors vouch that the pending suit in the Divorce Court will, under no circumstances, be compromised.' Now, first, who are the respectable firm of solicitors? Are you aware, Sir, that the '*firm*,' otherwise the attorney to the petitioner, is the Mr. Wells who daily advertises relief '*To the embarrassed*,' by means of the court, in connexion with a Mr. Weston, who, I believe, is an accountant at the same address? Mr. Wells advertises that he will obtain '*protection from 5*l*.*' payable by instalments, and '*without publicity*!' Also, that '*divorce cases are confidentially conducted*.' The present case seems '*confidentially*' known to the whole world, as Mr. Wells at once rushed into print to inform the public that no compromise had been made in the case.

"Now, I should be glad to know who set the report of a compromise afloat at all? Most assuredly not the respondent nor her solicitor! She emphatically denies all the allegations in the petition; and Mr. Wells, in his letter of denial, *might and ought* to have added, that no compromise, or suggestion of a compromise, had come to him from the respondent or her advisers; she will quietly await the petitioner's exposure of *himself* when the case comes into court.

"I have only to state, in conclusion, that the petitioner neither is a clergyman, as stated, nor (to use your words) does he wear the robes '*of the Christian ministry*;' but, if I am not misinformed, he is now in the service of the Weston alluded to in Mr. Wells's daily advertising programme.

"I am Sir, your very obedient servant,

"CHARLES HORSLEY,

"Solicitor to the Respondent.

"2, Staple-inn, Nov. 4."

While the the practice of writing sensation articles upon matters which are sub judice is most deeply reprehensible in any case, and especially in such a case as the present, the solicitors of the petitioner and respondent seem to us in the above letters to have given themselves needless trouble. Far the more decorous and dignified course would have been that, which we observe has been adopted by the solicitor of the co-respondent, of ignoring all gossip, and allowing the reputations of themselves and their clients to be judged by the event of the suit.

### THE WEEKLY REPORTER.

MESSRS. H. F. BRUTON & A. EDGAR, the editors of the first volume of *The Weekly Reporter*, having complained of certain passages in the recent pamphlet by Mr. W. T. S. Daniel on Law Reporting, Mr. Daniel has, on explanation and further reflection, expressed himself satisfied that the language used by him was (unintentionally) unjust to those gentlemen, and has declared that nothing was further from his meaning than to impute to them any contravention of honour and truthfulness.

### NEW RULES.

In pursuance of the provisions contained in the 16th section of stat. 22 & 23 Vict. c. 21, intituled "*An Act to regulate the Office of Queen's Remembrancer, and to amend the Practice and Procedure on the Revenue*

Side of the Court of Exchequer," it is ordered that the following provisions of the Common-law Procedure Act, 1854, be extended, applied, and adapted to the revenue side of the Court of Exchequer, and also that the following rules as to giving bail in cases of appeal shall be in force on the revenue side of the Court of Exchequer:—The sections referred to are the 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 of the Common-law Procedure Act, 1854.

Notice of appeal shall be a stay of execution, provided that within eight days after the decision complained of, or before execution delivered to the sheriff, bail to pay the sum recovered and costs, and to pay costs, when adjudged to be given, in like manner and to the same amount as bail in error, is required to be given under the rules of this court, made on the 22nd day of June, 1860, or as near thereto as may be applicable; provided that such bail shall not be necessary to stay execution in cases where the appellant is the Crown, the Attorney-General, on behalf of the Crown, or the Prince of Wales, or the Duke of Cornwall for the time being.

The foregoing rules shall come into operation and take effect forthwith, and apply to every matter and proceeding now pending.

(Signed)

POLLOCK, C. B.  
BRAMWELL, B.  
CHANNELL, B.  
PIGOTT, B.

## PUBLIC EXAMINATION OF STUDENTS.

### MICHELMAS TERM, 1863.

At the public examination of students of the Inns of Court, held at Lincoln's Inn Hall, on the 29th, 30th, and 31st October, 1863, the Council of Legal Education have awarded to—

Joseph Maurice Solomon, Esq., student of Lincoln's-inn, a studentship of fifty guineas per annum, to continue for a period of three years.

The Council have not thought fit to award any certificate of honour of the first class.

Lewis Williams, Esq., student of the Inner Temple; Francis Turner, Esq., student of the Middle Temple; George Cardale, Esq., student of Lincoln's-inn; Robert Wilkinson, Esq., student of Lincoln's-inn; Frederick Butler M. Mongomerie, Esq., student of the Inner Temple; Joseph Makinson, Esq., student of Lincoln's-inn; Henry Fraser Curwen, Esq., student of the Inner Temple; David Pitcairn, Esq., student of Lincoln's-inn; Herbert H. Harter, Esq., student of Lincoln's-inn; George Robert Rix, Esq., student of the Inner Temple; and Sheridan Knowles Mackay, Esq., student of the Inner Temple, certificates that they have satisfactorily passed a public examination.

By order of the Council,

(Signed) WESTBURY, Chairman.

Council Chamber, Lincoln's-inn,  
Nov. 9, 1863.

## NEW TRIALS MOVED IN MICHAELMAS TERM.

### COURT OF QUEEN'S BENCH.

Midd.—Hodgman v. West  
Midland Railway Co.  
Lond.—Crane v. London Dock  
Co.  
— Same v. Same  
— Pilgrim & an. v. Hirsch-  
feld  
— Neale v. Hooper

Northampton—Wartnaby v.  
Lord Bateman  
York—Bennison v. Cartwright  
Durham—Thompson v.  
Frowsdale  
— Bramwell v. Eglinton  
Northumberland—Riddell v.  
North-eastern Railway Co.

Lancaster—Hey v. Hurdle  
Liverpool.—Purt v. Dowle  
— Stokes & ors. v. Hall  
— Barber v. Fenton  
— Laird v. Wakefield  
Bristol—Gay v. Matthews  
Oxford—Duke of Marlbo-  
rough v. Osborne

Surrey—Gandy & Wife v.  
Jubber  
— Kalmmeier v. Dobson  
— Teale v. Wilhelm  
— Guy v. Gurney & an.  
— Beck v. Faray  
Glamorgan—Morgan v. Vale  
of Neath Railway Co.

## COURT OF COMMON PLEAS.

### NEW TRIALS.

Midd.—White v. Philipps  
— Fryer v. Kinnerly  
— Packer & an. v. Great  
Western Railway Co.  
Lond.—Bevan v. Whitmore  
— Wildon v. Kleanan  
— Shand & an. v. Grant  
— Pearson v. Commercial  
Union Assurance Co.  
— Whiteley v. Adams  
— Bartholomew & ors. v.  
Markwick

Lond.—Sichel v. Lambert  
— Richardson v. Elgee  
Wilts—Webber v. Stanley  
Bucks—Skull v. Glenister  
Sussex—Morgan v. Knight  
Surrey—Grell & an. v. Lory  
— Courtenay v. Wagstaff  
— Reed v. Wagstaff  
— Marsh v. Conquest  
— Fry v. Birnstrigi  
— Martin v. Lewis  
Liverpool.—Thomson v. Healey.

### APPEALS FROM REVISING BARRISTERS.

To be heard, Tuesday, Nov. 17, and Saturday, Nov. 21.

1. Robinson, jun. v. Dunkley (South Northamptonshire)
2. Bennett v. Blair (Southern District of Lancashire)
3. Caunter v. Addams (Borough of Ashburton)
4. Force v. Floud (City of Exeter)
5. Smith v. Hall (Borough of Sandwich)
6. Crowther v. Bradney (Borough of Kidderminster)
7. Garbutt v. Trevor (North Riding of Yorkshire)
8. Henrette v. Booth (London)
9. Jessop v. Town Clerk of Ipswich (Borough of Ipswich).

## COURT OF EXCHEQUER.

### NEW TRIALS.

Midd.—Green v. Attenbo-  
rough  
— Dodd v. Jones  
Lond.—Stapleton v. Haymen  
— Miller v. Conway & an.  
Ipswich—Bird v. Bugg  
Shrewsb.—Nicholls v. M'Do-  
nald  
Monmouth—Gregory v. West  
Midland Railway Co.  
Croydon—Easton v. Pratt  
— Bowes & an. v. Pontifex

Nottingham—Peach v. Hey-  
nemann  
— Bennet v. Hickson  
Derby—Brunt v. Midland  
Railway Co.  
Salisbury—Bush v. Beavan  
York—Harrison v. Duncan  
Liverpool.—Whitaker & ors. v.  
Whitaker  
— Whitaker & ors. v. Jack-  
son et Ux.  
— Bennett v. Maxwell.

### SPECIAL PAPER.

Bush v. Martin (D.)  
Hodgson v. Wood (Sp. C.)  
Roberts & an. v. Rose (D.)  
Wright v. Barrow (D.)  
Kearsley v. Oxley (D.)  
Ballincollig Royal Gunpowder  
Mills Co. (Limited) v. Daw-  
kins (D.)

Whitaker & ors. v. Whitaker  
(D.)  
Richard & an. v. Levey (D.)  
Mason v. Ribbey (Ap.)  
Richardson v. Arthur (Ap.)  
Sutton v. Great Western Rail-  
way Co. (Sp. C., by order of  
Nisi Prius).

The Queen has been pleased to appoint Henry Mills, Esq., Q. C., to be a Judge of the High Court of Judicature at Fort William, in Bengal.

LAW AMENDMENT SOCIETY.—The first general meeting of this Society for the season 1863-4 was held at its rooms, 3, Waterloo-place, on Monday, the 9th inst.; Sir Fitzroy Kelly, Q. C., M. P., in the chair. On the motion of G. Harry Palmer, the secretary, a special committee was appointed "to consider what action should be taken with reference to the proposal of bringing together into one place or neighbourhood

all the superior courts of judicature, with the offices attached thereto, and to report on the same."—The annual address from the council, which was read and ordered to be printed, referred to the report of the Penal Servitude Acts Commission, Private Bill Legislation, the Bankruptcy Act of 1861, Criminal Law, Concentration of the Superior Courts of Judicature, and Law Reporting.—A special committee was appointed, on the motion of Mr. H. G. Allen, to consider the proposal made by the Social Science Association for a closer union between the Society and that Association, and to report on the same at the next general meeting.

WHITLOCK, EDWARD, Aston-juxton-Birmingham, Warwickshire, snuff-box manufacturer, Nov. 23, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Nov. 4.  
WRIGHT, JOHN, Leocoe, Derbyshire, joiner, Nov. 19, Belper. Off. Ass. Ingle; Sol. Walker, Belper.—Pet. f. Oct. 26.  
YOUNG, JOHN HENRY, Acreton, and Ryde, Isle of Wight, landscape gardener, Nov. 18, Newport. Off. Ass. Blake; Sol. Beckingsale, Newport.—Pet. f. Oct. 31.

#### BANKRUPTCY ANNULLED.

CARRICK, JOHN.

TUESDAY, Nov. 10.

#### BANKRUPTS.

To be heard in London.

ALLEN, GEORGE, Kent-street, Borough, boot maker, Nov. 30. Off. Ass. Stansfeld; Sol. Cooper, 9, Charing-cross.—Pet. f. Nov. 5.  
ATTWELL, ALONZO GEORGE, High-street, Bow, butcher, Nov. 30. Off. Ass. Stansfeld; Sol. Pearce, 8, Gillespie-street.—Pet. f. Nov. 5.  
BAINBRIDGE, WILLIAM, Bridge-street, Southwark, surgeon, Nov. 28. Off. Ass. Graham; Sol. Dabois, 3, Church-passageway, Gresham-street.—Pet. f. Nov. 3.  
BROWN, RICHARD, Brixton-place, Warwick-road, Paddington, wine merchant, Nov. 30. Off. Ass. Stansfeld; Sol. Lewis, 2, Raymond-buildings, Gray's-inn.—Pet. f. Nov. 9.  
COATHUPE, HENRY BERTINCK, Abingdon-place, Kensington, out of business, Nov. 24. Off. Ass. Edwards; Sol. Burnand, 50, Coleman-street.—Pet. f. Nov. 5.  
COBB, JOHN, Great Yarmouth, Norfolk, carrier, Nov. 24. Off. Ass. Edwards; Sol. Storey, 6, King's-road, Bedford-row.—Pet. f. Nov. 4.  
COWAN, JAMES BRICE, Poole, Dorsetshire, travelling draper, Nov. 30. Off. Ass. Stansfeld; Sol. Richardson, 15, Old Jewry-chambers.—Pet. f. Oct. 30.  
DUNHAM, JOHN SAMUEL, Woodborough, Wiltshire, draper's assistant, Nov. 26. Off. Ass. Graham; Sol. Weatherfield, Moorgate-street.—Pet. f. Nov. 4.  
EDWARDS, ROBERT, St. John's Wood-terrace, St. John's Wood, builder, Nov. 26. Off. Ass. Graham; Sol. Lewis, 267, Hackney-road.—Pet. f. Nov. 4.  
FOOTE, ADAM CLARKE, St. Alban's, Hertfordshire, grocer, Nov. 24. Off. Ass. Edwards; Sol. Empson, 61, Moorgate-street.—Pet. f. Nov. 3.  
GALLAGHER, JANE, Long-acre, out of business, Nov. 30. Off. Ass. Stansfeld; Sol. Wright, 2, Paper-buildings, Temple.—Pet. f. Nov. 5.  
GILBERT, JOHN, Shenton-street, Old Kent-road, machinist, Nov. 30. Off. Ass. Cannan; Sol. Bickley, 32, King William-street, City.—Pet. f. Nov. 5.  
GREEN, MARY, Portman-street, Portman-square, postmaster, Nov. 30. Off. Ass. Stansfeld; Sol. Wells, 23, Percy-street, Bedford-square.—Pet. f. Nov. 5.  
HALLIDAY, EDWARD, Mildmay-park, Stoke Newington, commercial clerk, Nov. 24. Off. Ass. Edwards; Sol. Harrison & Co., 2, New-inn, Strand.—Pet. f. Nov. 4.  
HARDWICK, WILLIAM BENJAMIN, St. James's-road, Holbourn, oilman, Nov. 26. Off. Ass. Graham; Sol. Elworthy, 14, Southampton-buildings.—Pet. f. Nov. 5.  
JOHNSON, EDWARD, Newgate-street, City, and Montpellier-row, Twickenham, attorney-at-law, Nov. 24. Off. Ass. Edwards; Sol. Fisher, 7, Earl-street, Blackfriars.—Pet. f. Nov. 5.  
LAWRENCE, LAWRENCE, Crown-terrace, Lower Sydenham, out of business, Nov. 24. Off. Ass. Edwards; Sol. Holmes, 158, Fenchurch-street.—Pet. f. Nov. 7.  
MABEY, JOHN JAMES, Cashel-street, Holborn, law stationer, Nov. 26. Off. Ass. Graham; Sol. Fredday, 40, Bedford-row.—Pet. f. Nov. 9.  
MILLAR, SILAS, Olney-street, Walworth, out of business, Nov. 30. Off. Ass. Stansfeld; Sol. Drew, 4, New Basinghall-street.—Pet. f. Nov. 7.  
OWEN, THOMAS HENRY, West Ham, Essex, out of business, Nov. 26. Off. Ass. Graham; Sol. Drew, 4, New Basinghall-street.—Pet. f. Nov. 6.  
PRICE, WILLIAM HENRY, Shannon-terrace, Broke-road, Dalton, and Gresham-house, Bishopgate-street, clerk in the United Kingdom Telegraph Company, Nov. 24. Off. Ass. Graham; Sol. Marston, 35, Mark-lane.—Pet. f. Nov. 5.  
ROBERTS, FREDERICK HENRIED, St. George's-road, Southwark, engineer, Nov. 24. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 9.

To be heard in the Country.

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BARNETT, FREDERICK, Birmingham, labourer, Nov. 22, Birmingham. Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. Nov. 6.  
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BOOTH, THOMAS, Wolverhampton, carpenter, Nov. 27, Birmingham. Off. Ass. Kinneer; Sol. James & Co., Birmingham; Chambley, Wolverhampton.—Pet. f. Oct. 31.  
BOWERS, SAMUEL, Norton Bridge, Staffordshire, farmer, Nov. 30, Birmingham. Off. Ass. Whitmore; Sol. Smith, Birmingham.—Pet. f. Nov. 5.  
BROWN, COLLIN, Leeds, merchant, Nov. 26, Leeds. Off. Ass. Young; Sol. Tweed, Lincoln; Bond & Co., Leeds.—Pet. f. Oct. 23.  
COATES, JAMES, Bradford, Yorkshire, out of business, Nov. 23, Leeds. Off. Ass. Carrick; Sol. Mossman, Bradford; Bond & Co., Leeds.—Pet. f. Nov. 4.  
DOWDALL, JAMES RENDALL, Swansea, Glamorganshire, painter, Nov. 23, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Nov. 4.  
DUNN, GEORGE, Burslem, Staffordshire, bricklayer, Nov. 28, Hanley. Off. Ass. Challoner; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. Nov. 9.  
FULTON, JOHN, Lincoln, book deliverer, Nov. 19, Lincoln. Off. Ass. Uppley; Sol. Williams, Lincoln.—Pet. f. Nov. 5.  
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HERBERT, WILLIAM, Birmingham, glass button maker, Nov. 23, Birmingham. Off. Ass. Guest.—Pet. f. April 17.  
HODGETTS, BARTLEY, Dudley, Worcestershire, nail manufacturer, Nov. 30, Birmingham. Off. Ass. Whitmore; Sol. Smith, Birmingham.—Pet. f. Nov. 7.  
HOLT, CHARLES, Manchester, pavior, Nov. 30, Manchester. Off. Ass. Kay; Sol. Gardner, Manchester.—Pet. f. Nov. 3.  
HOPKINS, THOMAS, Wolverley, Worcestershire, market gardener, Dec. 2, Kidderminster. Off. Ass. Talbot; Sol. Saunders, Kidderminster.—Pet. f. Nov. 4.  
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KING, AUGUSTUS, Cambridge, watchmaker, Nov. 28, Cambridge. Off. Ass. Eaden; Sol. Hunt, Cambridge.—Pet. f. Nov. 7.  
LEWIS, ELIZABETH, Rochdale, Lancashire, chemist, Nov. 28, Rochdale. Off. Ass. Woods; Sol. Hartley, Rochdale.—Pet. f. Nov. 5.  
LORING, ANN, Bristol, ironmonger, Nov. 20, Bristol. Off. Ass. MBlair; Sol. Henderson, Bristol.—Pet. f. Nov. 5.  
MORSE, EDWIN THOMAS, and BROOK, JOHN, Huddersfield, Yorkshire, silk spinners, Dec. 3, Leeds. Off. Ass. Young; Sol. Wilkinson & Co., Lincoln's-inn-fields; Bond & Co., Leeds.—Pet. f. Oct. 26.  
MOORE, JOHN, Maidstone, Kent, out of business, Nov. 16, Maidstone. Off. Ass. Seudamore; Sol. Draw, 4, New Basinghall-street.—Pet. f. Nov. 2.  
MORTON, THOMAS DEWBURY, Yorkshire, stonemason, Nov. 23, Leeds. Off. Ass. Carrick; Sol. Scholes & Co., Dewsbury; Simpson, Leeds.—Pet. f. Nov. 2.  
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- CASWELL, JOSEPH, Plaistow-marsh, Barking-road, Essex, forgerman, Dec. 1. Off. Ass. Edwards; Sols. Richards & Co., Lincoln's-inn-fields.—Pet. f. Nov. 10.
- CLARKE, CHARLES, Southsea, Portsea, ironmonger, Dec. 1. Off. Ass. Edwards; Sol. Jones, 5, New-inn.—Pet. f. Nov. 9.
- COHEN, HENRY LEWIS, Basinghall-street, City, and Trinity-square, Southwark, warehouseman, Nov. 30. Off. Ass. Stansfeld; Sol. Abrahams, 17, Gresham-street.—Pet. f. Nov. 12.
- COLLINGS, MICHAEL, Stratford, Essex, outfitter, Nov. 24. Off. Ass. Edwards; Sols. Ashurst & Co., Old Jewry.—Pet. f. Nov. 5.
- CROSS, EDWIN JOHN, Woolwich, out of business, Nov. 24. Off. Ass. Edwards; Sol. Fisher, 7, Earl-street, Blackfriars.—Pet. f. Nov. 9.
- DREX, CONRAD, Victoria-terrace, Kennington-road, baker, Nov. 26. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 10.
- GODART, HERBERT, Greenwich, carver and gilder, Nov. 30. Off. Ass. Stansfeld; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. Nov. 10.
- GREEN, WILLIAM BLOOMFIELD, Bentley, Suffolk, wheelwright, Nov. 30. Off. Ass. Stansfeld; Sol. Nettleship, 37, John-street, Bedford-row.—Pet. f. Nov. 11.
- HENDERSON, EDWARD, Norland-road, Shepherd's Bush, Hammersmith, tailor, Nov. 24. Off. Ass. Edwards; Sols. Holt & Co., Quality-court, Chancery-lane.—Pet. f. Nov. 3.
- HODD, EDWARD HAMILTON, Saint George's-road, Newington, out of business, Dec. 1. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 10.
- JONES, EDWARD HENRY, Diamond-row, Southampton-street, Canberwell, artist in fireworks, Dec. 1. Off. Ass. Edwards; Sols. Marshall & Co., 12, Hatton-garden.—Pet. f. Nov. 6.
- KANE, THOMAS JOHN, Moneyer-street, Hoxton, Shoreditch, brass founder, Nov. 26. Off. Ass. Graham; Sol. Pittman, 94, Upper Stamford-street.—Pet. f. Nov. 9.
- KEMPTON, HENRY, Ormscott-street, Bermondsey, carder, Nov. 30. Off. Ass. Cassam; Sol. Fisher, 7, Earl-street, Blackfriars.—Pet. f. Nov. 9.
- LANGLEY, JOHN, Wilstead-road, Euston-road, Saint Pancras, foreman to an oilman, Dec. 1. Off. Ass. Edwards; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. Nov. 11.
- OLLEY, JOHN THOMAS, Old Kent-road, out of business, Nov. 30. Off. Ass. Stansfeld; Sol. Jones, 19, Basinghall-street.—Pet. f. Nov. 9.
- PAGE, GEORGE, Brill-road, Somers-town, cowkeeper, Nov. 24. Off. Ass. Graham; Sol. Hill, 10, Basinghall-street.—Pet. f. Nov. 11.
- POOLE, CHARLES, Brighton, out of business, Dec. 1. Off. Ass. Edwards; Sol. Peverly, 73, Coleman-street.—Pet. f. Nov. 7.
- SARGANT, HENRY, Upton-cum-Chalvey, Buckinghamshire, surveyor, Nov. 24. Off. Ass. Graham; Sol. Spicer, 4, Staple-inn.—Pet. f. Nov. 9.
- TAUNTON, HENRY, Bird Cage-walk, Bethnal-green, baker, Nov. 26. Off. Ass. Edwards; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Nov. 6.
- TOTHILL, FRANCIS RICHARD, Seaford, Sussex, gentleman, Nov. 24. Off. Ass. Graham; Sol. Smith, 19, Essex-street, Strand.—Pet. f. Nov. 7.
- WAGSTON, GEORGE, Dawson-terrace, Queen's-road, Peckham, out of employment, Nov. 24. Off. Ass. Graham; Sol. Farmer, 17A, Bide-lane.—Pet. f. Nov. 11.
- WILDER, JOHN, East Dabham, Norfolk, coal merchant, Dec. 1. Off. Ass. Edwards; Sols. Doyle, 2, Verulam-buildings, Gray's-inn; Wilkin, Lynn.—Pet. f. Nov. 9.
- WORDSWORTH, CULLEN FORTH, Stoke-by-Nayland, Suffolk, tutor, Nov. 24. Off. Ass. Stansfeld; Sol. Chidley, 25, Old Jewry.—Pet. f. Nov. 10.

*To be heard in the Country.*

- ADDER, JOHN, Stourbridge, Worcestershire, law stationer, Nov. 24. Stourbridge. Off. Ass. Harward; Sol. Maitby, Dudley.—Pet. f. Nov. 9.
- ALLEN, WILLIAM, Beeston, near Leeds, butcher, Nov. 25, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Nov. 9.
- BAKER, JOHN, Birmingham, baker, Dec. 21, Birmingham. Off. Ass. Guest; Sols. Powell & Co., Birmingham.—Pet. f. Nov. 10.
- BARNER, JAMES WILLIAM, Portsea, sailmaker in her Majesty's Dockyard at Portsmouth, Nov. 23, Portsmouth. Off. Ass. the registrar; Sol. Stening, Portsea.—Pet. f. Nov. 10.
- BARNER, JAMES, Knarborough, Yorkshire, out of business, Nov. 25, Knarborough. Off. Ass. Gill; Sol. Harle, Leeds.—Pet. f. Nov. 5.
- BARRATT, FREDERIC, Stoke-upon-Trent, Staffordshire, dealer in corn, Dec. 5, Stoke-upon-Trent. Off. Ass. Keary; Sols. Tennant & Co.—Pet. f. Nov. 11.
- BELL, ROBERT HENRY, Newcastle-upon-Tyne, innkeeper, Dec. 16, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Bush, Newcastle-upon-Tyne.—Pet. f. Nov. 11.

- BENNETT, SAMUEL, Halesham, Worcestershire, miner, Nov. 24, Stourbridge. Off. Ass. Harward; Sol. Maitby, Dudley.—Pet. f. Nov. 9.
- BOYES, JAMES, Kilsby, Northamptonshire, grocer, Nov. 24, Rugby. Off. Ass. Hubbard; Sol. Smallbone, Coventry.—Pet. f. Nov. 10.
- BRANFORD, ELIZABETH, and PAGE, AMELIA, Aston-juxta-Birmingham, schoolmistresses, Dec. 21, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Nov. 9.
- BUCKLEY, JAMES, Darlington, Durham, beer-house keeper, Nov. 23, Darlington. Off. Ass. Bowes; Sol. Nixon, Darlington.—Pet. f. Nov. 11.
- CURRIE, RICHARD SAMUEL, Southsea, Hampshire, hardwareman, Nov. 23, Portsmouth. Off. Ass. the registrar; Sol. Palford, Portsmouth.—Pet. f. Nov. 10.
- DEAN, THOMAS LAPHORNE, Stoke Dameral, Devonshire, shipwright in her Majesty's Dockyard at Devonport, Nov. 25, East Stoneham. Off. Ass. Pearce; Sols. Edmunds & Co., Plymouth.—Pet. f. Nov. 2.
- EARL, GEORGE, Gayton, Northamptonshire, shoemaker, Nov. 24, Towcester. Off. Ass. Sheppard; Sols. Shield & Co., Northampton.—Pet. f. Nov. 6.
- EVERETT, GEORGE, Scaldwell, Northamptonshire, groom, Nov. 24, Northampton. Off. Ass. Dennis; Sol. Andrew, Brixworth.—Pet. f. Nov. 7.
- FAIRBURN, ROBERT, Harrogate, Yorkshire, out of business, Nov. 2, Knarborough. Off. Ass. Gill; Sol. Harle, Leeds.—Pet. f. Nov. 5.
- FARMER, GEORGE, Knightwick, Worcestershire, cattle dealer, Nov. 27, Birmingham. Off. Ass. Kinneer; Sol. Wright, Birmingham.—Pet. f. Nov. 7.
- FOX, JOHN, Barthomly, Cheshire, retailer of beer, Nov. 14, Congleton. Off. Ass. Latham; Sol. Cooper, Congleton.—Pet. f. Nov. 9.
- GEDLING, JOHN, Workington, Cumberland, colliery agent, Nov. 30, Cockermouth. Off. Ass. Waugh; Sol. Faloon, Workington.—Pet. f. Nov. 7.
- GRAINGER, EDWARD, Calverley, Yorkshire, cloth manufacturer, Dec. 1, Bradford. Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. Nov. 10.
- GREENHURST, JOSEPH CURTIS, Swinsford, near Goole, Yorkshire, seller, Nov. 24, Goole. Off. Ass. Wilson; Sol. Harle, Leeds.—Pet. f. Nov. 4.
- GRIFFITHS, JAMES, Hope, Flintshire, blacksmith, Nov. 25, Wrexham. Off. Ass. Edgworth; Sol. Hughes, Wrexham.—Pet. f. Nov. 5.
- GRIFFITHS, JOHN, and GRIFFITHS, WILLIAM, Birkenhead, Cheshire, joiners, Nov. 24, Birkenhead. Off. Ass. Gill; Sol. Rymer, Liverpool.—Pet. f. Nov. 5.
- JONES, WESON, Kingswinford, Staffordshire, grocer, Nov. 24, Stourbridge. Off. Ass. Harward; Sol. Lowe, Dudley.—Pet. f. Nov. 10.
- LANCASTER, JOHN, Steeple Ashton, Wiltshire, mason, Nov. 24, Trowbridge. Off. Ass. Webber; Sol. Bartrum, Bath.—Pet. f. Nov. 9.
- LOYD, ANN, Wrexham, Flintshire, grocer, Nov. 25, Liverpool. Off. Ass. Turner; Sol. Jones, Wrexham.—Pet. f. Nov. 10.
- MARLETON, GEORGE, Lincoln, ropemaker, Nov. 26, Lincoln. Off. Ass. Uppeley; Sol. Chambers, Lincoln.—Pet. f. Nov. 9.
- MARRIOTT, WILLIAM, Derby, commission agent, Dec. 1, Nottingham. Off. Ass. Harris; Sol. Allen, Derby.—Pet. f. Nov. 2.
- MILLINGTON, HENRY JOHN, and MARBER, ROBERT, Parr, near St. Helen's, Lancashire, joiners, Nov. 25, Liverpool. Off. Ass. Morgan; Sol. Beasley, St. Helen's.—Pet. f. Nov. 5.
- MORGAN, WILLIAM, Aberdare, Glamorganshire, coal merchant, Nov. 27, Bristol. Off. Ass. Armstrong; Sol. Britton, Bristol.—Adj. Nov. 14.
- NEWBOLD, EDWARD, Moira, Leicestershire, butcher, Nov. 23, Ashby-de-la-Zouch. Off. Ass. Dewes; Sol. Dewes, Ashby-de-la-Zouch.—Pet. f. Nov. 9.
- O'CALLAGHAN, CORNELIUS, Birmingham, licensed victualler, Dec. 21, Birmingham. Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. Nov. 10.
- ODDER, JOHN, Huddersfield, Yorkshire, cotton spinner, Nov. 27, Leeds. Off. Ass. Young; Sols. Carter & Co., Leeds.—Pet. f. Oct. 20.
- OWEN, JAMES, Bangor, Carnarvonshire, master mariner, Nov. 24, Bangor. Off. Ass. Jones; Sol. Jones, Anglesey.—Adj. April 15.
- OWEN, JOHN THOMAS, Ashton-upon-Mersey, Cheshire, out of business, Nov. 30, Manchester. Off. Ass. Fott; Sol. Elliott, Manchester.—Pet. f. Nov. 11.
- PARKIN, HENRY, Sheffield, brace-bit shaver, Nov. 25, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. Nov. 10.
- PROSSER, WALTER, St. Deverux, Herefordshire, farmer, Nov. 24, Birmingham. Off. Ass. Whitmore; Sol. Corrie, Birmingham.—Pet. f. Nov. 9.
- RIDER, WILLIAM, Harrogate, Yorkshire, lodging-house keeper, Nov. 30, Leeds. Off. Ass. Carrick; Sol. Harle, Leeds.—Pet. f. Nov. 9.
- RUDICK, ROBERT, Carlisle, joiner, Nov. 25, Carlisle. Off. Ass. Haines; Sol. Wannon, Carlisle.—Pet. f. Nov. 4.
- RYMA, ALFRED, Wantage, Berkshire, inksetter, Nov. 25, Wantage. Off. Ass. Jotcham; Sol. Cave, Newbury.—Pet. f. Nov. 6.
- SLACK, THOMAS, Carlisle, Cumberland, butcher, Nov. 25, Carlisle. Off. Ass. Haines; Sol. Wannon, Carlisle.—Pet. f. Nov. 4.
- SOUTHAID, WILLIAM, Kingswinford, Staffordshire, brickmaker's labourer, Nov. 24, Stourbridge. Off. Ass. Harward; Sol. Maitby, Dudley.—Pet. f. Nov. 9.
- WALKER, SAMUEL, Manchester, manager to a Sahnonger, Nov. 24, Manchester. Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. Nov. 9.
- WENDE, HENRY JAMES, Cardiff, Glamorganshire, out of business, Nov. 20, Cardiff. Off. Ass. Langley; Sol. Willocks, Cardiff.—Pet. f. Nov. 11.
- WEBSTER, LEWIS, Manchester, joiner, Nov. 25, Manchester. Off. Ass. Herniman; Sol. Boote, Manchester.—Pet. f. Nov. 9.
- WELCOX, JOHN FRANKSON, and CARTWRIGHT, WILLIAM, Eilat, Staffordshire, chertmermen, Dec. 4, Birmingham. Off. Ass. Kinneer; Sol. Jackson, West Bromwich.—Pet. f. Nov. 11.
- WILLIAMS, JOHN, South, near Cardiff, Glamorganshire, builder, Dec. 1, Cardiff. Off. Ass. Langley; Sol. Ensor, Cardiff.—Pet. f. Nov. 6.
- WIMBOR, ANN, Dudley, Worcestershire, out of business, Nov. 24, Dudley. Off. Ass. Walker; Sol. Warrington, Dudley.—Pet. f. Nov. 9.

[For continuation of Gazette, see p. 411.]

## CONTENTS.

London Gazettes.....	406
Leading Article .....	407
List of Sheriffs nominated by the Lords of the Council for 1864.....	409
English and Irish Law and Chancery Commission (continued) .....	410
Statutes passed during the late Session of Parliament.	

## NAMES OF THE CASES REPORTED.

## HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

Malcolmson v. O'Dea.—(Title—Admissibility of old documents in support of—Evidence—Several fishery in a tidal river—Ancient possession).....	1135
---	------

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Smith v. Levaux.—(Agent—Account).....	1140
---------------------------------------	------

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Inglby v. Shafto.—(Pleading—Bill of discovery—Exceptions to answer—Insufficiency) .....	1141
Re Rigby—Jennings v. Rigby.—(Administration of assets—Priority—Unregistered judgments).....	1144

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Cox v. Stephens.—(Practice—Evidence—Subpœna—Parties—Representative of deceased partner—Costs of the day) .....	1144
--	------

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Rackham v. De La Mare and Others.—(Will—Construction—Bequest to daughters for life—Gift over—Death in testator's lifetime—Intestacy) ..	1145
Moscrop v. Sandeman and Others; Twynam and Another v. Sandeman and Others; and Twynam v. Sandeman and Others.—(Vendor and purchaser—Unpaid purchase money—Lien—Judgment creditors, refusal by, to release interests—Costs) .....	1146

## VICE-CHANCELLOR STUART'S COURT—(continued).

Curlewis v. Carter.—(Action at law—25 & 26 Vict. c. 42, construction of—Motion for injunction refused, with costs—Questions of law and fact) ..	1148
---	------

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH and J. HOWARD, Barristers at Law.

Singleton v. Selwyn.—(Demurrer—Accounts—Trustee and cestui que trust—Separate covenants—Indemnity) .....	1149
Fry v. Ernest.—(Practice—Defendant in contempt—Defence) .....	1151

## COURT OF QUEEN'S BENCH.

By C. W. LOVEST, Barrister at Law.

The Guardians of the Droltwich Union and the Overseers of the Parish of Claines, Apprs., The Guardians of the Worcester Union, Resp.—(Lunatic pauper—Costs of maintenance—16 & 17 Vict. c. 97, s. 97—24 & 25 Vict. c. 55, s. 6) .....	1151
Hodgkinson v. Ennor.—(Water flowing underground in natural drains—Pollution of—Damage to plaintiff thereby) .....	1152

## COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

Cooper v. The Board of Works for the Wandsworth District.—(Metropolis Local Management Act, 1855 (18 & 19 Vict. c. 120)—Notice of intention to build—Right to demolish house) ....	1155
--	------

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

King and Others v. Walker.—(Valued policy—Pleading—Total or partial loss—Admission by plea in avoidance—Abandonment) .....	1157
--	------

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNST BROWNING, Barrister at Law.

Lawrence v. Lawrence.—(Marriage settlements—Practice—22 & 23 Vict. c. 61, s. 5) .....	1158
---	------

## COURT OF PROBATE.

By DR. MIDDLETON.

In the Goods of Elizabeth Gaden West, Deceased.—(Will—Attestation—Signatures of deceased and witnesses on a separate paper) ....	1158
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## THE JURIST.

LONDON, NOVEMBER 21, 1863.

THE Law Amendment Society and the Juridical Society have each held their first meetings for the season 1863-4. On the 9th inst. the former appointed a special committee, "to consider what action should be taken with reference to the proposal of bringing together into one place or neighbourhood all the superior courts of judicature, with the offices attached thereto;" and on the 16th inst. the latter occupied itself with the discussion of a paper on "the law relating to nuisances to air and water;" the law respecting the former of which is in a state, to say the least, anything but satisfactory.

It was formerly thought—and the law is so laid down in 2 Bl. Com. 402—that if a man comes to a place where there is a nuisance, it must be looked on as of his own seeking, and he has no right of action against those who cause the nuisance; but this doctrine is now exploded, as appears from several cases, both ancient and modern, which will be found collected in Gale on Easements, 389 et seq., 3rd ed., by Willes. Still we cannot help doubting whether those authorities have not carried too far the principle in-

volved in them. It seems a strong thing to say, that a stranger may purchase a dwelling-house in Birmingham or Wolverhampton, and suppress, as nuisances to his comfortable habitation of it, every neighbouring manufacture for which a user of full twenty years cannot be shewn.

It is, however, to the case of *Hole v. Barlow* (4 C. B., N. S., 334; 27 L. J., C. P., 207; 4 Jur., N. S., part 1, p. 1019), and some consequent upon it, that we must look for the chief cause of the existing confusion in the law on this subject. That was an action for nuisance, in burning bricks on the defendant's land, near the dwelling-house of the plaintiff; and Byles, J., before whom it was tried, in addressing the jury, said—"I apprehend the law to be this, that no action lies for the use, the reasonable use, of a lawful trade in a convenient and proper place, even though some one may suffer annoyance from its being so carried on." This ruling was upheld by the Court in banc. After Crowder, J., had delivered his judgment, Willes, J., said—"The common-law right which every proprietor of a dwelling-house has to have the air uncontaminated and unpolluted, is subject to this qualification, that necessities may arise for an interference with that right pro bono publico, to this extent, that such interference be in respect of a matter essential to the business of life, and be conducted in a rea-



sonable and proper manner, and in a reasonable and proper place. And this is not without analogy. Every man has a right to enjoy his character untainted and uncontaminated by the breath of slander: but that right is subject to the rule as to privileged communications, which justifies and permits a reasonable publication of defamatory matter, even though it should amount to a charge of felony. So, every man has a right to the enjoyment of his land: but, in the event of a foreign invasion, the Queen may take the land for the purpose of setting up defences thereon for the general good of the nation. In these and such like cases, private convenience must yield to public necessity. It seems to me that we shall be only acting upon that principle in discharging this rule." The report in the Law Journal agrees with the above; but in *The Jurist* the judgment of Willes, J., is given thus:—"I am of the same opinion, and on the same grounds. The rule laid down by Comyns, C. B., that every man has a right to have air unpolluted is qualified by this limitation, that the interference is not done in the ordinary business of life, and in a reasonable and proper manner, and a reasonable and proper place, or of necessity pro bono publico. That is not without analogy, as in the case of a man's right not to have his character assailed, or to have his liberty, which rights are limited by public convenience and necessity, and they are liable to be invaded pro bono publico—the former in the case of a privileged communication, and the latter for the service of the country. This shews that a man has no right to his property except to the extent which the law gives it him. So far it is necessary that we should support the rule laid down, and we do."

According to the report in the Common Bench Reports, Byles, J., said nothing; but according to those in the Law Journal and *The Jurist*, he concurred in the judgment; and all agree in attributing to him, during the argument, the following observation, which throws much light on the whole subject:—"What I meant to say, was, that the circumstance of the thing being done in a convenient and proper place would justify some degree of annoyance. I had the passage in Comyns' Digest in my mind at the time."

After this arose the important case of *Bamford v. Turnley* (8 B. & S. 62; 31 L. J., Q. B., 286; 9 Jur., N. S., part 1, p. 377), which was an action for a nuisance arising from the burning of bricks on the defendant's land near to the plaintiff's house. It appeared that the defendant's land and the land on which the plaintiff's house stood were portions of an estate which had been sold in lots as building land; and in the particulars it was stated that there was abundance of brick earth and gravel, which, with other advantages, presented an advantageous opportunity of carrying out safe and profitable building operations; and it also appeared that bricks had previously been made on the spot where the plaintiff's house stood. Perhaps these special circumstances distinguish this case from the former, for it might be contended, that whatever the general law of nuisance, both parties took their several portions of this land with the understanding that they might be used for the purpose of burning bricks. Cockburn, C. J., before whom the case was tried, intimated that the case came within the principle laid down in *Hole v. Barlow*, and directed the jury accordingly; upon which a verdict was by arrangement entered for the defendant, with leave to move to set it aside. The Court in banc having upheld this ruling, the plaintiff appealed to the Exchequer Chamber; the majority of which, consisting of Erle, C. J., Williams and Keating, JJ., and Bramwell and Wilde, BB. (Pollock, C. B., dissenting), reversed the judgment, on the ground that

*Hole v. Barlow* was not rightly decided, and that the jury could not properly be asked whether the causing of the nuisance was a reasonable use by the defendant of his own land.

The following extract from the judgment of the majority of the judges, delivered by Williams, J., will shew the reasons on which it proceeded:—

"That decision" (i. e. the decision in *Hole v. Barlow*) "was plainly founded on a passage in Comyns' Digest, 'Action upon the Case for a Nuisance' (C.), which is in the following words:—'So an action does not lie for a reasonable use of my right, though it be to the annoyance of another; as, if a butcher, brewer, &c. use his trade in a convenient place, though it be to the annoyance of his neighbour.' It may be observed that, in the language of this dictum (for which no authority is cited by Comyns), there is a want of precision, especially in the words 'reasonable' and 'convenient,' which render its meaning by no means clear. And it may be doubted whether the Court, in *Hole v. Barlow*, did not misunderstand it. What is a 'convenient place?' Does this expression mean, as the Court understood it in that case, that the place is proper and convenient for the purpose of carrying on the trade, or does it mean, that it is a place where a nuisance will not be caused to another? . . . It should seem, therefore, that just as the use of an offensive trade will be indictable as a public nuisance if it be carried on in an inconvenient place, i. e. a place where it greatly incommodes a multitude of persons, so it will be actionable as a private nuisance if it be carried on in an inconvenient place, i. e. a place where it greatly incommodes an individual. If this be the true construction of the expression 'convenient,' in the passage from Comyns' Digest, the doctrine contained in it amounts to no more than what has long been settled law, viz. that a man may, without being liable to an action, exercise a lawful trade, as that of a butcher or brewer and the like, notwithstanding it be carried on so near the house of another as to be an annoyance to him, in rendering his residence there less delectable or agreeable, provided the trade be so conducted that it does not cause what amounts, in point of law, to a nuisance to the neighbouring house."

In the subsequent case of *Covey v. Lidbetter* (9 Jur., N. S., part 1, p. 798), Erle, C. J., said, "I would add, that the judgment of Willes, J., in *Hole v. Barlow*, appears to me sound, although the question left by Byles, J., has been decided to be wrong." And in *The Wandsworth Board of Health, Apprs., Hill, Resp.* (9 Jur., N. S., part 1, p. 972; 13 C. B. 479), Willes, J., himself said, "The case of *Hole v. Barlow* has been misunderstood. The judgment of at least one of the judges in that case proceeded on the ground that a man's enjoyment of his own property is necessarily, in some degree, subservient to the general good of the public. It is still an open question, which must one day be determined by the highest tribunal, whether one who carries on a business under reasonable circumstances of place, time, and otherwise, can be said to be guilty of an actionable nuisance. According to Chief Baron Comyns, &c., and *Hole v. Barlow*, he may: according to some of the judges in the Exchequer Chamber, he may not. I do not pretend to offer an opinion upon a subject which such superior intellects have considered doubtful."

Finally, during the present term, a case of *Kipling v. The St. Helen's Smelting Company*, which involved the present question, came before the Court of Queen's Bench. The Court declared themselves bound by the decision of the majority of the judges in *Bamford v. Turnley*, but gave the defeated party leave to appeal. On *Hole v. Barlow* being cited, Mellor, J., stated that he was once counsel in a case before Willes, J., at Leicester,

when that learned judge said that some expressions were attributed to him in *Hole v. Barlow* to which he did not give utterance.

# LIST OF SHERIFFS, NOMINATED BY THE LORDS OF THE COUNCIL, FOR 1864.

- Bedfordshire**—Robert Henry Lindzell, Esq., Biggleswade.  
Lionel Ames, Esq., East Hyde.  
Charles Livins Grimshawe, Esq., Aspley Gains.
- Berkshire**—Rich. H. Sey, Esq., Oakley Court, near Windsor.  
Benjamin Buck Green, Esq., Midgham House.  
John Blandy Jenkins, Esq., Kingston House.
- Buckinghamshire**—The Hon. Percy Barrington, Westbury Manor.  
Nathaniel Grace Lambert, Esq., Denham Court.  
Charles Pascoe Grenfell, Esq., Taplow Court.
- Camb. & Hunt.**—Geo. Onslow Newton, Esq., Crexton Park.  
Stanlake Ricketts Batson, Esq., Horseheath.  
Richard Archer Houbion, Esq., Batlow.
- Cheshire**—John Ralph Shaw, Esq., Arrow Park, Birschenhead.  
Wilfridham Spencer Follemache, Esq., Dorfold Hall.  
Robert Barbour, Esq., Bolesworth Castle.
- Cumberland**—Thomas Brooklebank, Esq., Greenlands.  
William Postlethwaite, Esq., The Oaks.  
Sir Frederick Ulric Graham, Bart., Netherby.
- Derbyshire**—Sir Henry Des Vœux, Bart., Drakelow.  
Charles Robert Colville, Esq., Luffington.  
Sir William Fitzherbert, Bart., Fisington.
- Devonshire**—The Hon. Mark Geo. Kerr Rolle, Stevenstone.  
Baldwin John Pollexfen Bastard, Esq., Kitley.  
Sir John Kennaway, Bart., Excot.
- Dorsetshire**—Charles Wriothesley Digby, Esq., Studland.  
John Brymer, Esq., Melcombe Regis.  
Sir John Michel, K.C.B., Dewlish.
- Durham**—William Standish Carr Standish, Esq., Cocksall Hall.  
John Harrison Aylmer, Esq., Walworth Castle.  
William Peareth, Esq., Usworth House.
- Essex**—Sir William Bowyer Smith, Bart., Hill Hall, Bp-ping.  
Sir Richard Digby Neave, Bart., Dagenham Park, Dagenham.  
Edgar Disney, Esq., The Hyde, Ingatestone.
- Gloucestershire**—Goodwin Charles Colquhitt Craven, Esq., Brockhampton Park, near Cheltenham.  
Sir John Maxwell Steele Graves, Bart., Mickleton Manor, near Broadway.  
James Hutchinson, Esq., Cowley Manor, near Cheltenham.
- Herefordshire**—Thomas Reaveley, Esq., Kinnersley Castle, near Kington.  
Colonel Robert Feilden, Dulac Court.  
Sir Henry Geers Cotterell, Bart., Gernons.
- Hertfordshire**—Money Wigram, Esq., Much Hadham.  
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William Wing, Esq., Market Overton.
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Francis Harries, Esq., Cruckton.  
Thomas Hugh Sandford, Esq., Sandford.
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Hon. John Thomas Dutton, Hinton House, near Alresford.
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George Briscoe, Esq., Wolverhampton.  
Smith Child, Esq., Stallington.
- Suffolk**—Sir Geo. Nathaniel Broke Middleton, Bart., Nacton.  
Francis Capper Brooke, Esq., Ufford Place.  
John Page Beade, Esq., Stutton.
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Thomas Price Heywood, Esq., Cobham.  
John Bradshaw, Esq., Knowle, Guildford.
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Herbert Mascall Curtels, Esq., Windmill Hill, Warling.  
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Henry Townshend Boulthée, Esq., Springfield.  
Sir Robert North Collie Hamilton, Bart., K.C.B., Alveston.
- Westmoreland**—Matthew Thompson, Esq., Kirkby Stephen.  
Arthur Shepherd, Esq., Shaw End, near Kendal.  
Joseph Gibson, Esq., Whelprigg.
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Thomas Henry Allen Poynder, Esq., Hartham Park.  
Ambrose Denis Hussey, Esq., The Hall, Salisbury.
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John Vincent Hornby, Esq., Blackmore Park, Great Malvern.  
Albert H. Roys, Esq., Crown East, near Worcester.
- Yorksire**—Frederick Charles Trench Gasecoigne, Esq., Parlington Park, Aberford, Milford Junction.  
Fra. Watt, Esq., Bishop Burton Hall, near Beverley.  
Edward Ackroyd, Esq., Bankfield.

## WALES, NORTH AND SOUTH.

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Hon. Henry Warrender Fitzmaurice, Trengof.  
George Higgins, Esq., Red Hill.
- Breconshire**—Sir Joseph Russell Bailey, Bart., Glanusk Park.  
Howel Morgan, Esq., Gilyach-yr-haidd.  
Henry Gwynne Vaughan, Esq., Ysceifochan.
- Cardiganshire**—John George Parry Hughes, Esq., Allt-tyd.  
John Lewes, Esq., Llanlleir.
- Carmarthen**—John Richard Howell, Esq., Blaendyffryn.  
Carmarthenshire—Henry Lavallia Puxley, Esq., Llwyn-drussy.  
Edward Morris Davies, Esq., Upland, near Carmarthen.
- Carmarthen**—Sir James Williams Drummond, Bart., Edwinaford.  
Carmarthenshire—Abram Jones Williams, Esq., Gelliwig.  
Griffiths Humphrey Owen, Esq., Ymwlch.  
Charles Millar, Esq., Penrhos.



*Denbighshire*—Boscawen Trevor Griffith, Esq., Trevallyn Hall, Wrexham.  
John Lloyd Wynne, Esq., Coedcoch, Abergale.  
Robert Bamford Hesketh, Esq., Gwrych Castle, Abergale.  
*Flintshire*—William Barber Buddicom, Esq., Penbedw Hall.  
Sir Richard Price Puleston, Bart., Emral.  
Bryan George Davies Cooke, Esq., Colomendy.  
*Glamorganshire*—Robert Francis Lascelles Jenner, Esq., Wenvoe Castle.  
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Thomas William Booker, Esq., Velindra.  
*Merionethshire*—Lewis Williams, Esq., Vronwnlon.  
John Vaughan, Esq., Nannan.  
William Robert Maurice Wynne, Esq., Peniarth.  
*Montgomeryshire*—Maj.-Gen. William George Gold, Garthmyl Hall.  
Robert Davies Pryce, Esq., Cyffronydd.  
Robert Simcox Perrott, Esq., Bronhyddon.  
*Pembrokeshire*—Thomas Harcourt Powell, Esq., Hook.  
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*Radnorshire*—James Oliver, Esq., Llanbadarnfynydd.  
George Augustus Haig, Esq., Llanbadarnfynydd.  
Thomas Williams Higgins, Esq., Cwm Llanyre.

### ENGLISH AND IRISH LAW AND CHANCERY COMMISSION.

(Continued from p. 395).

7. That instead of the 64th section of the Irish Common-law Procedure Act, 1853, it should be declared and enacted, that the power which exists in England of obtaining inspection and copies of documents in the possession or power of the opposite party, both as regards those relied on in the pleadings, and also as regards those not so relied on, but relating to the matter in dispute, shall be the same in Ireland as in England.

In England, under the 17th section of stat. 3 & 4 Will. 4, c. 42, the court or a judge was empowered to order any actions for a liquidated demand depending in the superior courts to be tried before the proper local court of record. This power was extended by sect. 26 of the County Courts Act, 19 & 20 Vict. c. 108, to sums not exceeding 50*l*. The principal of these enactments should, in our opinion, be extended to Ireland, but we think that 20*l*. would in Ireland be a more proper limit than 50*l*.

We are of opinion—

8. That the court or a judge in Ireland should be empowered to order any actions for a liquidated demand depending in the superior courts, when the sum sought to be recovered does not exceed 20*l*., to be tried before any chairman of a county or recorder of a borough in Ireland as the court or a judge shall direct.

#### viii.—Practice and Procedure peculiar to Ireland proposed to be retained in Ireland.

We are of opinion—

1. That the Irish practice of the process-server swearing to acquaintance with the person of the defendant should be continued.

2. That in transitory actions the provisions of the Irish Common-law Procedure Act, 1853, sect. 62, by which the right of changing the venue on the common affidavit is taken away, and power given to the Court to change it on a special affidavit, be retained in Ireland.

3. That speeding writs of inquiry before a Master instead of the sheriff in Dublin, under the Irish Common-law Procedure Act, 1853, sect. 101, and the Irish Common-law Procedure Act, 1856, sect. 99, should be retained in Ireland.

4. That the Writ Office in Ireland, and its system as constituted by the stat. 13 & 14 Vict. c. 18, ss. 38 and 39, and by the Common-law Procedure Act, 1853, sect. 15, should be continued in Ireland.

5. That the Consolidated Nisi Prius Court in Ireland should be continued as at present constituted.

6. That the statutable provision in Ireland under which a bill of exceptions is argued in the court below before the case is brought into the court of error should be retained.

#### ix.—General Improvements in the Law in England and Ireland.

Under this branch of our inquiry we have to submit to your Majesty the following recommendations:—

We are of opinion—

1. That a provision should be made to annul the writ in personal actions and in ejectment, unless the same be prosecuted with effect within a time to be fixed.

2. That the 29th section of the 17 & 18 Vict. c. 125, as to paying duty at a trial on an unstamped document, and the analogous section of the Irish Common-law Procedure Act of 1856, should be amended, so as to enable parties to pay the duty and penalty when the unstamped document is lost or destroyed, and secondary evidence given of its contents.

3. That the court or a judge should be enabled, in making orders for changing the venue from one place to another, to provide for a view out of the county, or county of the city, in which the action is to be tried.

4. That, in addition to the cases where payment of money into court is now permitted, the court or a judge should in all other cases be at liberty to permit it to be done, subject to such terms as the court or a judge may think right.

5. That in actions brought in Ireland by persons resident in England, and actions brought in England by persons resident in Ireland, where security for costs is ordered, the Court should have power to order such security to be by bond, recognisance, warrant, or cognovit to enter judgment at the defendant's suit in one of the superior courts of the country where the plaintiff resides, or by deposit, or by sureties, as the Court shall think fit.

6. That in actions brought by persons resident elsewhere than in England or Ireland, it shall be in the discretion of the court or judge to determine whether, on an application for security for costs, an affidavit of merits shall be required.

7. That a provision to the following effect, viz. "In proceedings to obtain an attachment of debts under the Common-law Procedure Act, 1854, the judge may in his discretion refuse to interfere, or may impose such terms and conditions as to the time and mode of payment or otherwise, as he shall think fit," should be substituted for sect. 28 of the Common-law Procedure Act, 1860, and should be applied both to Ireland and to England.

8. That, subject to the amendments hereinbefore recommended, the statutable provisions as to inspection, discovery, appeal, and otherwise, should apply to interpleader as well as to ordinary actions.

9. That the statutable provisions and rules of England and of Ireland, as to costs, should, as far as possible, be assimilated and simplified.

(To be continued).

T. Phinn, Esq., Q. C., has been re-appointed Counsel to the Admiralty and Judge Advocate of the Fleet, vacant by the promotion of R. P. Collier, Esq., Q. C., to the post of Solicitor-General. Mr. Phinn formerly held the office, but resigned it on being appointed one of the secretaries to the Admiralty some years ago.

## COURT OF QUEEN'S BENCH.

MICHAELMAS TERM, 27 VICT.—Nov. 17, 1863.

This Court will, on Thursday, the 26th, and Friday, the 27th days of November instant, hold sittings, and will proceed in disposing of the cases in the New Trial, Special, and Crown Papers, and any other matters then pending, and will also give judgment in cases then standing for judgment.

BY THE COURT.

**JURIDICAL SOCIETY.**—The first meeting of this Society for the season, 1863-4, took place at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 16th November, W. M. Best, Esq., V. P., in the chair; when Mr. C. H. Hopwood read a paper on "The Law relating to Nuisances to Air and Water." The Chairman then addressed the meeting on the subject of the paper, and was followed by Mr. C. Clark, Mr. F. Worsley, and Mr. W. Marshall.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed George Roger Longden, Gent., of No. 1, Bennett's-hill, Doctors'-commons, City, to be a London Commissioner to administer oaths in the High Court of Chancery.

**WINWOOD, EDMUND,** Halesowen, Worcestershire, miner, Nov. 24, Stour-bridge. Off. Ass. Harward; Sol. Mabry, Dudley.—Pet. f. Nov. 9.

## BANKRUPTCY ANNULLED.

**JOHNSON, WILLIAM,** Beccles-street, High-street, Marplebone, carpenter.

TUESDAY, Nov. 17.

## BANKRUPT.

To be heard in London.

**BRECK, HERBERT BROWNE,** Pembroke Dock, South Wales, surgeon, Dec. 1. Off. Ass. Graham; Sol. Munday, 4, Exeter-street, Strand.—Pet. f. Nov. 13.

**BYLAND, THOMAS,** Ealing, fishmonger, Dec. 1. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 12.

**BAYATT, ENRIKES,** Dism, Norfolk, draper, Dec. 2. Off. Ass. Stansfeld; Sol. Reed & Co., 3, Gresham-street.—Pet. f. Nov. 12.

**COOPER, HENRY RALPH,** Inworth, Suffolk, surgeon, Dec. 8. Off. Ass. Stansfeld; Sol. Pratt & Co., 51, Chancery-lane.—Pet. f. Nov. 14.

**DAGLEY, JOHN,** St. John's-hill, New Wandsworth, bootmaker, Dec. 1. Off. Ass. Edwards; Sol. Long, 28, Bucklersbury.—Pet. f. Nov. 13.

**ENGLEND, JOSEPH,** Stafford-street, Old Bond-street, tailor, Nov. 20. Off. Ass. Stansfeld; Sol. Paxton, 8, New Boswell-court, Carey-street, Lincoln's-inn.—Pet. f. Nov. 13.

**FLETCHER, CHARLES,** Park-place, Knightsbridge, and Pall-mall East, wine merchant, Dec. 1. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 13.

**FRASER, ROBERT,** Pockington-street, Ilkington, mourning collar manufacturer, Nov. 30. Off. Ass. Stansfeld; Sol. Hill, 10, Basinghall-street.—Pet. f. Nov. 13.

**GASSON, JAMES,** Providence-cottage, Perry-valle, Forest-hill, surveyor, Dec. 1. Off. Ass. Graham; Sol. Waring, 26, Poultry.—Pet. f. Nov. 11.

**GRAFT, PETER JOSEPH,** Hill-street, Walsworth, baker, Nov. 30. Off. Ass. Stansfeld; Sol. Bennett, 27 and 28, Mark-lane.—Pet. f. Nov. 12.

**GROVES, HENRY GEORGE,** Webber-street, Blackham-road, baker, Dec. 1. Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. Nov. 11.

**HOBLEY, CHARLES,** Hamchurch, Essex, agricultural machine maker, Dec. 1. Off. Ass. Graham; Sol. Paxton & Co., 12, Gresham-street.—Pet. f. Nov. 13.

**HULBERT, JOHN,** East-street, Goldsmiths-row, Hackney-road, brush maker, Dec. 1. Off. Ass. Graham; Sol. Bartley, 10, Bucklersbury.—Pet. f. Nov. 13.

**LAWRENCE, SOLOMON,** Cumberland-street, Finsbury, clerk in a railway office, Dec. 1. Off. Ass. Edwards; Sol. Lees, 17, Great Carter-lane.—Pet. f. Nov. 2.

**M'BEDE, HENRY,** Carey-street, Lincoln's-inn-fields, French polisher, Dec. 1. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 13.

**MARSHALL, WILLIAM MARSHALL,** Whitehall, wine merchant, Dec. 14. Off. Ass. Stansfeld; Sol. Thomas & Co., Mincing-lane.—Pet. f. Nov. 2.

**MOSE, MORDECAI,** Wentford-street and Union-street, Spitalfields, confectioner, Dec. 14. Off. Ass. Stansfeld; Sol. Murray, 20, Great St. Helens.—Pet. f. Nov. 13.

**PAGE, JOSEPH,** Park-place, Bromley, usher to the Court of Exchequer, and Overhawe, Surrey, beer-shop keeper, Dec. 5. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 12.

**PATCH, JOHN,** Redcross-square, Cripplegate, attorney's clerk, Dec. 5. Off. Ass. Edwards; Sol. Smockbury & Co., 13, Gresham-street.—Pet. f. Nov. 13.

**PRACOCK, GEORGE,** Princess-road, Notting-hill, plumber, Dec. 5. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 12.

**SOUTH, GEORGE,** Hampstead-road, shoemaker, Dec. 5. Off. Ass. Graham; Sol. Braddon, 5, Dames-lane, Strand.—Pet. f. Nov. 14.

**SPAY, GEORGE,** Wellington-place, St. George's-in-the-East, surgeon, Dec. 5. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 12.

**STONE, FREDERICK JAMES,** Francis-street, Newington, carpenter, Dec. 8. Off. Ass. Edwards; Sol. Silvester, 18, Great Dover-street, Newington.—Pet. f. Nov. 12.

**TEMPLEMAN, RICHARD,** Mount-street, Grosvenor-square, cook, Dec. 5. Off. Ass. Stansfeld; Sol. Davis, 10, Golden-square.—Pet. f. Nov. 14.

**WEST, JOHN MERRIMAN,** Stalham, Norfolk, professor of music, Dec. 1. Off. Ass. Edwards; Sol. Pears, 40, Broad-street-buildings; Culley, Norwich.—Pet. f. Nov. 13.

## To be heard in the Country.

**ADAMS, WILLIAM,** Eckington, Derbyshire, blacksmith, Dec. 15, Chesterfield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. Nov. 12.

**ANAGNOSTOFULOS, EUSTATHIUS,** Liverpool, out of business, Nov. 30, Liverpool. Off. Ass. Morgan; Sol. Tyndall, Liverpool.—Pet. f. Nov. 13.

**ANDREW, PETER,** Lusley, near Moseley, and Salford, Lancashire, cotton-waste dealer, Dec. 2, Manchester. Off. Ass. Herniman; Sol. Atkinson & Co., Manchester.—Pet. f. Nov. 12.

**ANDREWS, JOHN,** Llanover Upper, Monmouthshire, incline manager, Dec. 1, Abergavenny. Off. Ass. Batt; Sol. Roberts, Monmouth.—Adj. Nov. 9.

**ANTHONY, WILLIAM JAMES,** Aylesbury, Buckinghamshire, tailor, Nov. 30, Aylesbury. Off. Ass. Watson; Sol. Parrott & Co., Aylesbury.—Pet. f. Nov. 12.

**BRAY, JOSEPH,** Heckmondwike, Yorkshire, bootmaker, Dec. 18, Dewsbury. Off. Ass. Nelson; Sol. Ibberson, Dewsbury.—Pet. f. Nov. 13.

**BROWN, JOHN,** Burley, near Otley, Yorkshire, tailor, Nov. 28, Otley. Off. Ass. Carr; Sol. Fawcett, Otley.—Pet. f. Nov. 6.

**BURNARD, ROBERT,** Stockton-on-Tees, Durham, bootmaker, Nov. 27, Stockton-on-Tees. Off. Ass. Crosby; Sol. Thompson, Stockton.—Pet. f. Nov. 12.

**CHAMPION, JAMES,** Thornbury, Gloucestershire, out of business, Dec. 4, Chesham. Off. Ass. Roberts; Sol. Roberts, Monmouth.—Pet. f. Nov. 6.

**CHESWORTH, HAYMAN,** Macclesfield, Cheshire, spinster, Nov. 26, Macclesfield. Off. Ass. the registrar; Sol. Barclay, Macclesfield.—Pet. f. Nov. 12.

**COLEBY, EPHRAIM,** Haughley, Suffolk, cattle dealer, Nov. 28, Stowmarket. Off. Ass. Archer; Sol. Fuller.—Pet. f. Nov. 12.

**CROSS, THOMAS,** Shawbury, Shropshire, farmer, Nov. 30, Birmingham. Off. Ass. Whitmore; Sol. Potts & Co., Broseley; James & Co., Birmingham.—Pet. f. Nov. 12.

**GWTYNE, WILLIAM THOMAS,** Ludlow, Shropshire, painter, Nov. 18, Ludlow. Off. Ass. Williams; Sol. Weyman, Ludlow.—Pet. f. Oct. 17.

**HITCHING, WILLIAM HENRY,** Halifax, Yorkshire, dyer, Dec. 11, Halifax. Off. Ass. Dyson; Sol. Haigh, Huddersfield.—Adj. Nov. 10.

**HOARE, JOHN RICHARD,** Southsea, Southampton, builder, Nov. 23, Portsmouth. Off. Ass. the registrar; Sol. Stening, Portsmouth.—Pet. f. Nov. 11.

**HOBBOCK, THOMAS,** Bolton, Lancashire, clogger, Dec. 2, Bolton. Off. Ass. Holden; Sol. Edge, Bolton.—Pet. f. Nov. 12.

**JONES, EDWIN JAMES,** Liverpool, warehousekeeper, Nov. 30, Liverpool. Off. Ass. Hime; Sol. Wilson, Liverpool.—Pet. f. Nov. 11.

**LAVANCHY, FRANCIS LOUIS,** Southampton, schoolmaster, Dec. 7, Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Nov. 13.

**LEWIS, JOHN DANIEL,** Brightlingsea, Essex, snook owner, Nov. 23, Colchester. Off. Ass. Barnes; Sol. Jones, Colchester.—Pet. f. Nov. 13.

**LEWIS, WILLIAM,** Cardiff, Glamorganshire, innkeeper, Nov. 30, Cardiff. Off. Ass. Langley; Sol. Ennor, Cardiff.—Adj. Nov. 10.

**LITTLE, THOMAS,** Akevas, Staffordshire, wheelwright, Nov. 28, Lichfield. Off. Ass. Birch; Sol. Crabb, Rugby.—Pet. f. Nov. 9.

**LOVE, ALFRED GEORGE,** Beccles, Suffolk, assistant overseer, Dec. 2, Beccles. Off. Ass. Pike; Sol. Kent, Beccles.—Pet. f. Nov. 13.

**LUSCOMBE, JOHN,** Loddiswell, Devonshire, ochre refiner, Nov. 26, Kingsbridge. Off. Ass. Square; Sol. Orton, Kingsbridge.—Pet. f. Nov. 12.

**MECKLENBURG, HERMANN,** Manchester, salesman, Dec. 11, Manchester. Off. Ass. Pott; Sol. Boots, Manchester.—Pet. f. Nov. 15.

**MOORE, JOHN,** Halesowen, Worcestershire, miner, Nov. 30, West Bromwich. Off. Ass. Watson; Sol. Shakespeare, Oldbury.—Pet. f. Nov. 12.

**MOORE, JOHN,** Landport, Portsea, master mariner, Nov. 28, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. Nov. 15.

**NIXTERTON, ISAAC THOMAS,** Fartown, near Huddersfield, Yorkshire, cabinet maker, Dec. 5, Huddersfield. Off. Ass. Jones; Sol. Lea-royd, Huddersfield.—Pet. f. Nov. 11.

**PANTON, JAMES,** Tynesmouth and Park House, near Morpeth, and Newcastle-upon-Tyne, marine architect, Nov. 30, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Tinley & Co., North Shields.—Pet. f. Nov. 12.

**PARKES, GEORGE FREDERICK,** Birmingham, commercial traveller, Dec. 4, Birmingham. Off. Ass. Whitmore; Sol. Harrison & Co., Birmingham.—Pet. f. Nov. 13.

**PARKS, JAMES,** Pendleton, near Manchester, cowkeeper, Nov. 28, Salford. Off. Ass. Hutton; Sol. Gardner, Manchester.—Adj. April 20.

**PARBON, THOMAS PETER,** Fowey, Cornwall, watchmaker, Nov. 27, Saint Austell. Off. Ass. Carlyon; Sol. Sobey, Fowey.—Pet. f. Nov. 13.

**PAULINGTON, WILLIAM,** Morley, Yorkshire, woollen manufacturer, Nov. 30, Leeds. Off. Ass. Carrick; Sol. Floyd & Co., Huddersfield; Bond & Co., Leeds.—Pet. f. Nov. 6.

**POWELL, AMOS,** Southampton, painter, Dec. 7, Southampton. Off. Ass. Thorndike; Sol. Canwell, Southampton.—Pet. f. Nov. 13.

READ, CHARLES THOMAS, Norwich, grocer, Nov. 30, Norwich. *Off. Ass. Palmer; Sol. Atkinson, Norwich.*—*Pet. f. Nov. 14.*

RIXHAM, GEORGE, Sheffield, awl blade maker, Dec. 2, Sheffield. *Off. Ass. Wake; Sol. Mason, York and Sheffield.*—*Pet. f. Nov. 16.*

ROBERTS, RICHARD, Everton, near Liverpool, builder, Dec. 1, Liverpool. *Off. Ass. Morgan.*—*Adj. Nov. 13.*

ROBERTS, WILLIAM, Everton, near Liverpool, builder, Dec. 1, Liverpool. *Off. Ass. Turner.*—*Adj. Nov. 13.*

SMITH, JOHN, Leeds, general commission agent, Dec. 1, Leeds. *Off. Ass. Sangster; Sol. Harle, Leeds.*—*Pet. f. Nov. 12.*

SOLIS, WILLIAM STUBINGTON, Landport, Portsea, caulker in her Majesty's dock-yard at Portsmouth, Nov. 28, Portsmouth. *Off. Ass. the registrar; Sol. Cousins, Portsea.*—*Pet. f. Nov. 13.*

SPENCER, WILLIAM, Brinkworth, Wiltshire, grocer, Nov. 27, Bristol. *Off. Ass. Acraman; Sols. Pratt & Co., Wotton Bassett; Griffiths, Bristol.*—*Pet. f. Nov. 13.*

STANDING, CAROLINE LOUISA, Huddersfield, Yorkshire, retailer of beer, Dec. 3, Huddersfield. *Off. Ass. Jones; Sol. Dransfield, Huddersfield.*—*Pet. f. Nov. 6.*

STOUT, EDWARD, Great Grimsby, Lincolnshire, tailor, Nov. 27, Great Grimsby. *Off. Ass. Daubney; Sol. Veal, Great Grimsby.*—*Pet. f. Nov. 11.*

WATSON, THOMAS, Barton-upon-Humber, Lincolnshire, bootmaker, Dec. 2, Kingston-upon-Hull. *Off. Ass. Carrick; Sol. Mason, Barton-upon-Humber.*—*Pet. f. Nov. 11.*

WHITE, JOHN ARNOLD, Moreton, Essex, carpenter, Dec. 2, Brentwood. *Off. Ass. Lewis; Sol. Baker, Bishop's Stortford.*—*Pet. f. Nov. 11.*

WHITE, DANIEL, Lower Heyford, Oxfordshire, sawyer, Nov. 30, Bicester. *Off. Ass. Stone; Sol. Berridge, Bicester.*—*Pet. f. Nov. 14.*

WOOD, JAMES, Wyberton, Lincolnshire, master mariner, Nov. 20, Boston. *Off. Ass. Staniland; Sols. Brown & Co., Lincoln.*—*Pet. f. Nov. 5.*

#### PARTNERSHIPS DISSOLVED.

LEE, MATTHEW CRESSY, and GRESHAM, JAMES HAREBOOTH, Kingston-upon-Hull, attorneys and solicitors, scriveners, and conveyancers.

WILLIAMS, GEORGE, and WILLIAMS, CHARLES, Alfred-place, Bedford-square, attorneys and solicitors.

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MARGERISON, JOSEPH, Bristol, commission agent, Dec. 4. *Bristol. Off. Ass. Miller; Sol. Henderson, Bristol.*—*Pet. f. Nov. 18.*

MERCHANT, JAMES, Bristol, wine cooper, Dec. 4. *Bristol. Off. Ass. Acreman; Sols. Clifton & Co., Bristol.*—*Pet. f. Nov. 16.*

MITCHELL, SAMUEL ALFRED, Bury St. Edmunds, Suffolk, dealer in pigs, Dec. 2. *Bury St. Edmunds. Off. Ass. Collins; Sol. Walspole, Buryton.*—*Pet. f. Nov. 18.*

MUNTON, THOMAS, Peterborough, Northamptonshire, bootmaker, Dec. 12. *Peterborough. Off. Ass. Gaches; Sol. Law, Stamford.*—*Pet. f. Nov. 17.*

NICKOLLS, JOSEPH, Dudley, Worcestershire, attorney's clerk, Dec. 1. *Dudley. Off. Ass. Walker; Sol. Warrington, Dudley.*—*Pet. f. Nov. 14.*

OLDFIELD, JAMES, Pudsey, Yorkshire, cloth manufacturer, Dec. 1. *Leeds. Off. Ass. Carrick; Sol. Harle, Leeds.*—*Pet. f. Nov. 17.*

[For continuation of Gazette, see p. 422.]

## CONTENTS.

London Gazettes.....	414
Leading Article .....	415
Law Reporting .....	416
Winter Circuits of the Judges .....	417
Book Received .....	417
Examinations at the Incorporated Law Society— Michaelmas Term .....	417
Court Papers:—Equity Sittings after Michaelmas Term .....	418
English and Irish Law and Chancery Commission (concluded) .....	420

## NAMES OF THE CASES REPORTED.

## PRIVY COUNCIL.

By R. BULLOCK, Barrister at Law.

The Egyptian.—(Admiralty—Collision—Proximate cause—Inevitable accident—Liability of owners) .....	1159
Papayanni and Others, Apprs., The Russian Steam Navigation and Trading Company, Resps.— (British jurisdiction—Foreign territories—Tur- key—Consular Court at Constantinople—Ad- miralty jurisdiction—Common-law remedy).....	1160

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Broun v. Kennedy.—(Advocate and client—Deed of gift—Consideration—Undue influence).....	1163
--	------

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Bristowe v. Needham.—(Receiver—Accounts—Pe- nalties of neglect) .....	1168
--	------

VICE-CHANCELLOR KINDERSLEY—(Continued). Wylde v. Radford.—(Equitable mortgage—Banker's lien) .....	1169
VICE-CHANCELLOR STUART'S COURT. By T. F. MORSE, Barrister at Law. Jones v. Gregory and Another.—(Demurrer—Bill by heir-at-law to set aside will of real estate— Fraud, alleged—Receiver—Jurisdiction) .....	1171
VICE-CHANCELLOR WOOD'S COURT. By H. B. INGH and J. HOWARD, Barristers at Law. Re The Hampstead Junction Railway Company, ex parte Buck.—(Lands Clauses Consolidation Act —Conveyance—Apportionment—Costs) .....	1172
COURT OF QUEEN'S BENCH. By C. W. LOVESH, Barrister at Law. Lord Lonsborough v. Foster.—(Copyhold—Ad- mittance of devisee—Fine) .....	1173
COURT OF COMMON PLEAS. By H. RUTHERFORD, Barrister at Law. Baxendale v. The Great Western Railway Company. —(Railway—Power to make special arrange- ments—Equal rates) .....	1174
COURT OF EXCHEQUER. By W. BRANDT, Barrister at Law. Phillips v. Ward and Two Others.—(Joint contrac- tors—Action against a less number than all— Prior action and judgment in favour of the one excepted—Pleading in estoppel in bar in abate- ment) .....	1182

## THE JURIST.

LONDON, NOVEMBER 28, 1863.

By a long series of decisions, the rights of riparian proprietors to the use of water flowing in definite channels above ground have been well settled. Each proprietor of the land has a right to the stream flowing in a natural course over his land, to use the same as he pleases, in a manner not inconsistent with a similar right in the proprietors of the land below; so that, in the absence of prescription or grant, neither proprietor can diminish the quantity, or injure the quality, of the water which would otherwise naturally descend. (*Mason v. Hill*, 5 B. & Ad. 17).

It seems, moreover, that if the course of a subterranean stream were well known, as is the case with many which sink underground, pursue for a short time a subterranean course, and then emerge again, the owner of the soil under which the stream flowed could maintain an action for the diversion of it, if it took place under such circumstances as would have enabled him to recover had the stream been wholly above ground. (*Dickenson v. The Grand Junction Canal Company*, 7 Exch. 300, 301; *Chasemore v. Richards*, 7 H. L. C. 374).

The principles, however, which regulate the rights of owners of land in respect of water flowing in known and well-defined channels, whether upon or below the surface of the ground, do not apply to underground water, which merely percolates through the strata in unknown channels; for any person may sink a well or carry on mining operations on his own land, although the effect may be to divert water percolating through his land to the land of his neighbour. See *Acton v.*

*Blundell* (12 M. & W. 324) and *Chasemore v. Richards* (2 H. & Norm. 168; 7 H. L. C. 349). These cases, in fact, followed the principles laid down in the Roman law (Dig. 229, lib. 39, tit. 3, s. 12). A different conclusion would have led to much litigation, and would often have prevented proprietors from dealing with their own lands in such a manner as to make them the most beneficial to themselves; for instance, suppose a person, with the intention of ameliorating his land, were to drain it, he might thereby intercept springs which percolated from his own land to that of his neighbour. If an action lay against him for so doing, it is obvious that agricultural improvements, by way of drainage, would throughout all the country receive a most injurious check. Moreover, it would be a most difficult thing to determine how far a person, by sinking a well on his own ground, affected water percolating underground. And of this a very singular instance was given by Lord Brougham, in the case of *Chasemore v. Richards*, who mentioned, that the French artesian well of the Abbator de Grenelle was said to draw its supplies from a distance of forty miles, and, as far as was known, from percolating water.

This being the case, the question then arises, is a person liable, in case he does any act on his own land which has the effect of fouling water which percolates through his own soil to that of his neighbour? In other words, admitting that he has, according to *Chasemore v. Richards*, a right to sink a well on his own soil, so as totally to intercept all water percolating through it to the soil of his neighbour, has he a right, upon the same principle, to foul the water which so percolates?

In the recent case of *Hodgkinson v. Ennor* (9 Jur., N. S., part 1, p. 1152), this question seems rather to have been glanced at than actually decided. The



question there raised was, whether a person is entitled to have water transmitted to him in a pure and uncontaminated state, although it flows underground, during a portion of its transit, through the land of a neighbouring proprietor, in the same manner as if it flowed in a definite channel on the surface of the earth; or whether the principle laid down in *Chasemore v. Richards*, with reference to the abstraction of water percolating through the earth by the sinking of a well on the land of a neighbouring proprietor, were applicable to such a case.

In *Hodgkinson v. Ennor* it appeared that the plaintiff was the occupier of an ancient mill, where he carried on the business of a manufacturer of paper; which business had been carried on from time immemorial, and that the mill had been from time immemorial supplied with water in a pure and unpolluted state, from a stream produced by the rainfall on a part of the Mendip Hills, which, entering into "swallets," or natural fissures in the rock, of which the high land was composed, ran by underground passages into a cavern, and after traversing the floor thereof, flowed by an underground passage to the lands of the plaintiff, and thence, in an open and defined stream, to the mill. The defendant discharged water which had been used in a minery worked by him on the hills, in a foul and polluted state, which, finding its way into the swallets, flowed thence into the stream on which the plaintiff's mill was situated, and contaminated the same, and rendered it unfit for its purpose. It was argued on behalf of the defendant, that, as a landowner excavating on his own soil was not responsible to his neighbour for the abstraction of underground or percolating water, he was not liable for the pollution of waters running underground, although he might be so in the case of waters running on the surface, and between banks. The Court of Queen's Bench, however, decided in favour of the plaintiff; and Cockburn, C. J., in his judgment, drew a very clear distinction between the case before the Court and *Chasemore v. Richards*, observing that that case simply shows that a landholder, through whose soil water passes in a state of percolation, acquires no right therein; but that in the case before the Court, the right of the plaintiff to have the use of the water flowing to his mill was undisputed; and his Lordship did not think that the flowing of the water underground during a portion of its transit from the defendant's property, brought the case within the authority of *Chasemore v. Richards*, and that the plaintiff, therefore, was entitled to the water as before, undiminished in quantity and undeteriorated in quality.

The point, therefore, which appears to be decided in *Hodgkinson v. Ennor* is this—that where a proprietor is entitled to the use of a stream of water, which, during part of its course flows through an underground channel, another proprietor cannot foul the water merely because it flows underground during part of its course. Mellor, J., said, that "there was a considerable difference between the abstraction and pollution of water; and *Chasemore v. Richards* did not therefore apply."

Now, with great deference to the learned judge, it ap-

pears to us to be clear, that the reason why *Chasemore v. Richards* did not apply, was not merely on account of any distinction between abstraction and pollution of water, but because the case before the Court of Queen's Bench was one of water running, although partially underground, "in," to use the words of the Chief Justice, "a well-defined channel;" and it would not, therefore, have fallen within the principle of *Chasemore v. Richards*, even had the question been raised with reference to abstraction, and not pollution.

Blackburn, J., during the argument, observed, that "he was aware of no case which established a distinction between the pollution of the water of a stream, and water in a state of percolation." Nor does there appear to have been a decision upon the point in this country. In the United States, however, in the case of *Brown v. Illius* (25 Conn. 583), the Court were inclined to the position, that if, in the prosecution of a business, like the manufacture of gas, not a nuisance per se, one use materials upon his land which penetrate into the earth, and corrupt underground sources of supply, by percolating to a well upon a neighbour's land, he would not be liable for the damage done thereby.

Whether, when the neat point raised in *Brown v. Illius* is discussed in this country, our Courts will be disposed to take the same view as the American judges, is perhaps doubtful; for the principle upon which *Chasemore v. Richards* depends is this—that as the owner of land acquires no right in water percolating through his soil, he cannot be said to be damaged by its abstraction while passing through the soil of a neighbour. It appears, however, to us, that he is damaged when noxious matter is transmitted through the soil of a neighbour to his own, and it can be clearly proved to have come from no other source.

#### LAW REPORTING.

WE understand that the requisition for a meeting of the Bar on this subject, which we published a short time since, was presented to the Attorney-General a few days ago, signed by 368 members of the Bar, including (with two or three exceptions) all the leaders of the Chancery Bar and 26 leaders of the Common-law Bar; and, in compliance with it, the Attorney-General has issued the following invitation:—

"A requisition having been presented to me, very numerously signed by members of the Bar, by which I am requested to call a meeting of the Bar, at such time and place as I shall think proper, for the purpose of ascertaining the opinion of the Bar as to the existing system of Law Reporting, with a view to the amendment thereof: I do hereby, in compliance with the said requisition, invite the members of the Bar to meet, by permission of the Treasurer, in the Dining Hall of Lincoln's Inn, on Wednesday, the 2nd December next, at half-past four o'clock in the afternoon, for the above-mentioned purpose.

(Signed) "ROUNDSELL PALMER,  
Attorney-General.

"11, New Square, 21st November, 1863."

WE believe, that at the meeting a resolution to the following effect will be moved by Mr. Daniel, Q. C.:—  
"That the present system of preparing, editing,

and publishing the reports of judicial decisions in this country requires amendment."

If that resolution is carried, Sir Hugh Cairns, Q. C., will then move the appointment of a committee, with a request to communicate with the Lord Chancellor, the Judges, and the Benchers of the Inns of Court; and to prepare a scheme, and report the same to a future meeting of the Bar.

We trust that the meeting will be fully attended, and will be the means of effecting the reform which is so much needed.

## WINTER CIRCUITS OF THE JUDGES.

### Before CROMPTON, J.

*Berkshire*—Thursday, Nov. 26, at Reading.  
*Oxfordshire*—Saturday, Nov. 28, at Oxford.  
*Worcestershire*—Wednesday, Dec. 2, at Worcester.  
*City of Worcester*—Same day, at the City of Worcester.  
*Staffordshire*—Saturday, Dec. 5, at Stafford.  
*Salop*—Monday, Dec. 14, at Shrewsbury.  
*Montgomeryshire*—Thursday, Dec. 17, at Welshpool.  
*Glamorganshire*—Monday, Dec. 21, at Cardiff.

### Before MARTIN, B.

*Warwickshire*—Wednesday, Dec. 2, at Warwick.  
*Leicestershire*—Monday, Dec. 7, at Leicester.  
*Borough of Leicester*—Same day, at the Borough of Leicester.  
*Derbyshire*—Wednesday, Dec. 9, at Derby.  
*Nottinghamshire*—Saturday, Dec. 12, at Nottingham.  
*Town of Nottingham*—Same day, at the Town of Nottingham.  
*Cambridgeshire*—Tuesday, Dec. 15, at the County Courts.  
*Norfolk*—Friday, Dec. 18, at the Castle of Norwich.  
*City of Norwich*—Same day, at the Guildhall of the City.  
*Essex*—Tuesday, Dec. 22, at Chelmsford.

### Before WIGHTMAN, J.

*Northumberland*—Saturday, Nov. 28, at the Castle of Newcastle-upon-Tyne.  
*Town of Newcastle-upon-Tyne*—Same day, at the Guildhall of the Town.  
*Durham*—Wednesday, Dec. 2, at Durham.  
*Yorkshire*—Saturday, Dec. 5, at the Castle of York.  
*City of York*—Same day, at the Guildhall of the City.

### Before WILLIAMS and WILLES, JJ.

*Cheshire*—Thursday, Dec. 3, at Chester.  
*Hertfordshire*—Same day, at Hertford.  
*Liverpool*—Wednesday, Dec. 9, at Liverpool.

### Before PIGOTT, B.

*Southampton*—Monday, Nov. 30, at the Castle of Winchester.  
*Devonshire*—Monday, Dec. 7, at the Castle of Exeter.  
*City of Exeter*—Same day, at the Guildhall of the City.  
*Somersetshire*—Friday, Dec. 11, at Taunton.  
*Kent*—Wednesday, Dec. 16, at Maidstone.  
*Sussex*—Monday, Dec. 21, at Lewes.  
*Surrey*—Wednesday, Dec. 23, at Kingston-upon-Thames.

## BOOK RECEIVED.

The Foreign Enlistment Act. By Frederick Wymouth Gibbs, C. B.—Ridgway, 1863.

## EXAMINATIONS AT THE INCORPORATED LAW SOCIETY.

MICHAELMAS TERM, 1863.

### INTERMEDIATE EXAMINATION.

THE EXAMINERS reported that the following gentlemen, whose names are arranged in the order of merit, have passed the intermediate examination with distinction:—

1. John Richard Collins, aged nineteen, articled to Mr. Thomas William Gray, of Exeter.
2. James Samuel Beale, B.A., aged twenty-two, articled to Messrs. Beale & Marigold, of London and Birmingham.
3. James Livett Daniell, aged eighteen, articled to Messrs. James & Henry Livett, of Bristol.
4. Edward Hitchings Flux, aged twenty-two, articled to Messrs. Flux & Argles, of London.
5. John Wreford Budd, jun., B.A., aged twenty-four, articled to Messrs. Upton, Johnson, & Upton, of London.

The number of candidates examined in this term was 135; of these, 128 were passed, and 7 postponed.

By order of the Council,

E. W. WILLIAMSON, Secretary.

### FINAL EXAMINATION.

At the examination of candidates for admission on the roll of attorneys and solicitors of the Superior Courts, the Examiners recommended the following gentlemen, under the age of twenty-six, as being entitled to honorary distinction:—

1. Thomas Ponting, aged twenty-two, who served his clerkship to Messrs. Andrews & Canham, of Sudbury, Messrs. Goeling & Girdlestone, of London, and Messrs. Loftus & Young, of London.
2. Alfred Hallworth Crowther, aged twenty-three, who served his clerkship to Mr. Newenham Charles Wright, of London, and Messrs. Chantler & Crouch, of London.
3. John Bolton, aged twenty-five, who served his clerkship to Mr. Richard Wilson, of Kendal, and Messrs. Allen, Nichol, & Allen, of London.
3. John Burkinshaw, aged twenty-three, who served his clerkship to Mr. William Daniel Gaches, of Peterborough, Mr. Frederic Barlow, of Cambridge, and Messrs. Sharpe & Parker, of London.
3. William Mawdaley Charnley, aged twenty-two, who served his clerkship to Mr. William Charnley, of Preston, and Messrs. Gregory & Rowcliffes, of London.

The Council of the Incorporated Law Society have accordingly awarded the following Prizes of Books:—

To Mr. Ponting, the prize of the Honourable Society of Clifford's Inn; to Mr. Crowther, the prize of the Honourable Society of Clement's Inn; to Mr. Bolton, one of the prizes of the Incorporated Law Society; to Mr. Burkinshaw, one of the prizes of the Incorporated Law Society; and to Mr. Charnley, one of the prizes of the Incorporated Law Society.

The Examiners have also certified that the following candidates, whose names are placed in alphabetical order, passed examinations which entitle them to commendation:—

Richard Hale Braithwaite, aged twenty-three, who served his clerkship to Messrs. Rawson & Best, of Leeds, and Messrs. Bell, Brodrick, & Bell, of London.

William Creed, aged twenty-one, who served his clerkship to Messrs. Francis & Baker, of Newton Bushel, Devonshire, and Messrs. Church & Sons, of London.

Samuel Johnson Roberts Dickson, aged twenty-two, who served his clerkship to Mr. Samuel Johnson Roberts, of Chester.

William Johnson Evans, aged twenty-two, who served his clerkship to Mr. Hasell Rodwell, of Ipswich, and Messrs. Aldridge & Bromley, of London.

Henry Mason Jackaman, aged twenty-three, who served his clerkship to Messrs. Jackaman & Son, of Ipswich, and Messrs. Aldridge & Bromley, of London.

Jabez M'Diarmid, aged twenty-three, who served his clerkship to Messrs. Ingle & Goody, of London.

Francis Thornhill Maddock, aged twenty-one, who served his clerkship to Messrs. J. & E. Whitley & Thomson, of Liverpool.

George Thompson Powell, aged twenty-four, who served his clerkship to Messrs. Powell, Thompson, & Groom, of London.

The Council have accordingly awarded them certificates of merit.

The Examiners have further announced to the following candidates, whose names are placed in alphabetical order, that their answers to the questions at the examination were highly satisfactory, and would have entitled them to prizes or certificates of merit if they had been under the age of twenty-six:—

William Henry Goodwin, aged thirty-seven, who served his clerkship to Messrs. Longueville, Williams, & Jones, of Oswestry.

David Hornby, B.A., aged thirty, who served his clerkship to Messrs. Conyers & Jennings, of Driffield, Yorkshire.

William Thornburn, aged thirty-seven, who served his clerkship to Mr. Joseph Hayton, of Cockermouth, and Messrs. Ingle & Goody, of London.

Thomas Wingate, aged fifty-two, who served his clerkship to Messrs. Van Sandau & Cumming, of London.

The number of candidates examined in this term was 120; of these 112 were passed, and 8 postponed.

By order of the Council,  
E. W. WILLIAMSON, Secretary.

Law Society's Hall, Chancery-lane,  
London, Nov. 26, 1863.

### Court Papers.

### EQUITY SITTINGS, AFTER MICHAELMAS TERM, 1863.

#### Court of Chancery.

*Before the LORD CHANCELLOR.*

*At Lincoln's Inn.*

Thursday....	Dec. 3	{ First Seal.—Appeal Motions and Appeals.
Friday .....	4	{ Petitions and Appeals.
Saturday .....	5	{ Appeals in Bankruptcy and Appeals.
Monday.....	7	{ Appeals.
Tuesday.....	8	{ Appeals.
Wednesday ....	9	{ Appeals in Bankruptcy and Appeals.
Thursday .....	10	{ Second Seal.—Appeal Motions and Appeals.
Friday .....	11	{ Appeals.
Saturday .....	12	{ Appeals in Bankruptcy and Appeals.

Monday.....	14	{ Appeals.
Tuesday .....	15	{ Appeals.
Wednesday ....	16	{ Appeals in Bankruptcy and Appeals.
Thursday .....	17	{ Third Seal.—Appeal Motions and Appeals.
Friday .....	18	{ Appeals.
Saturday .....	19	{ Appeals in Bankruptcy and Appeals.
Monday.....	21	{ Appeals.
Tuesday .....	22	{ Petitions and Appeals.

*Before the LORDS JUSTICES.*

*At Lincoln's Inn.*

Thursday ....	Dec. 3	{ First Seal.—Appeal Motions and Appeals.
Friday .....	4	{ Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	5	{ Appeals.
Monday.....	7	{ Appeals.
Tuesday.....	8	{ Appeals.
Wednesday ....	9	{ Appeals.
Thursday .....	10	{ Second Seal.—Appeal Motions and Appeals.
Friday .....	11	{ Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	12	{ Appeals.
Monday.....	14	{ Appeals.
Tuesday.....	15	{ Appeals.
Wednesday ....	16	{ Appeals.
Thursday .....	17	{ Third Seal.—Appeal Motions and Appeals.
Friday .....	18	{ Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	19	{ Appeals.
Monday.....	21	{ Appeals.
Tuesday.....	22	{ Appeals.

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

*Before the MASTER OF THE ROLLS.*

*At Chancery-lane.*

Thursday....	Dec. 3	{ First Seal.—Motions and General Paper.
Friday .....	4	{ General Paper.
Saturday .....	5	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday.....	7	{ General Paper.
Tuesday.....	8	{ General Paper.
Wednesday ....	9	{ General Paper.
Thursday .....	10	{ Second Seal.—Motions and General Paper.
Friday .....	11	{ General Paper.
Saturday .....	12	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday.....	14	{ General Paper.
Tuesday.....	15	{ General Paper.
Wednesday ....	16	{ General Paper.
Thursday .....	17	{ Third Seal.—Motions and General Paper.
Friday .....	18	{ General Paper.
Saturday .....	19	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday.....	21	{ General Paper.
Tuesday.....	22	{ General Paper.

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.**At Lincoln's Inn.*

Thursday....	Dec. 3	First Seal.—Motions, Adjourned Summons, and General Paper.
Friday .....	4	Petitions, Adjourned Summons, and General Paper.
Saturday .....	5	Short Causes, Adjourned Summons, and General Paper.
Monday.....	7	
Tuesday.....	8	General Paper.
Wednesday ....	9	
Thursday .....	10	Second Seal.—Motions, Adjourned Summons, and General Paper.
Friday .....	11	Petitions, Adjourned Summons, and General Paper.
Saturday .....	12	Short Causes, Adjourned Summons, and General Paper.
Monday.....	14	
Tuesday.....	15	General Paper.
Wednesday ....	16	
Thursday .....	17	Third Seal.—Motions, Adjourned Summons, and General Paper.
Friday .....	18	Petitions, Adjourned Summons, and General Paper.
Saturday .....	19	Short Causes, Adjourned Summons, and General Paper.
Monday.....	21	
Tuesday.....	22	General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.**At Lincoln's Inn.*

Thursday....	Dec. 3	First Seal.—Motions, Causes, &c.
Friday .....	4	Petitions, Causes, &c.
Saturday .....	5	Short Causes, Causes, &c.
Monday.....	7	
Tuesday.....	8	Causes, &c.
Wednesday ....	9	
Thursday .....	10	Second Seal.—Motions, Causes, &c.
Friday .....	11	Petitions, Causes, &c.
Saturday .....	12	Short Causes, Causes, &c.
Monday.....	14	
Tuesday.....	15	Causes, &c.
Wednesday ....	16	
Thursday .....	17	Third Seal.—Motions, Causes, &c.
Friday .....	18	Petitions, Causes, &c.
Saturday .....	19	Short Causes, Causes, &c.
Monday.....	21	
Tuesday.....	22	Causes, &c.

N. B.—Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put in the paper to be so heard.

No Cause, Motion for Decree, or Further Consideration, except by order of the Court, may be marked to stand over, if it shall be within twelve of the last cause or matter in the printed paper of the day for hearing.

*Before the Vice-Chancellor Sir W. P. WOOD.**At Lincoln's Inn.*

Thursday....	Dec. 3	First Seal.—Motions and General Paper.
Friday .....	4	General Paper.
Saturday .....	5	Petitions, Short Causes, and General Paper.
Monday.....	7	
Tuesday.....	8	General Paper.
Wednesday ....	9	
Thursday .....	10	Second Seal.—Motions and General Paper.
Friday .....	11	General Paper.
Saturday .....	12	Petitions, Short Causes, and General Paper.

Monday.....	14	General Paper.
Tuesday.....	15	
Wednesday ....	16	
Thursday .....	17	Third Seal.—Motions and General Paper.
Friday .....	18	General Paper.
Saturday .....	19	Petitions, Short Causes, and General Paper.
Monday.....	21	General Paper.
Tuesday.....	22	

N. B.—Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put in the paper to be so heard.

THE case of *Hudson v. Slade, Bart., and Others* (see 8 Jur., N. S., part 2, p. 583) has been brought to a close by the entry of a *stet processus*, and a reference to Sir John T. Coleridge, late one of the justices of the Court of Queen's Bench, who has now published his award, as follows:—

"Whereas, by an order of the Lord Chief Justice of the Court of Queen's Bench, made by consent on the 8th July, 1863, it was referred to me to say, upon reading the pleadings in this cause, the letter-book referred to, and the printed evidence given on the former trial thereof, what, if anything, should be done between the parties, and that a *stet processus* should be entered. Now, having read the pleadings, letter-book, and evidence, I hereby say and determine, on the matter so referred to me, as hereafter follows; but considering the character and object of this reference, I think it proper to premise that, in my opinion, a cause of action was proved, not in every particular justified, but with so much of extenuation on the one hand, and of provocation on the other, that a verdict with nominal damages only would have been proper to be found by a jury coming to the same conclusion as myself upon the facts; and that it would not have been equitable that the defendants should have borne the plaintiff's costs; that the order directing the entry of a *stet processus* has, therefore, in substance, brought the action to its proper termination at law. But, considering the relative positions of the parties, and all the circumstances, I say and determine, that the plaintiff and now surviving defendants shall, within one month from the date of this award, mutually, and at their joint expense, execute to each other a release of all causes of action, if any, arisen, or supposed to have arisen, between them, or any of them, on the 8th or 9th July, 1862; and that in the recitals of the release by the plaintiff shall be expressed, on his part, a withdrawal of any imputation which he may have made of want of honour or gentlemanly feeling in the conduct of any of the defendants on the evenings of the days in question, as having been made by him in anger, and without due consideration; and, further, I say and determine, that the defendants shall, immediately on the execution of such release by the plaintiff, pay to him or his attorney the sum of 50*l.* sterling. As witness my hand, this 20th day of October, 1863,

"JOHN TAYLOR COLERIDGE."

Notwithstanding the notice of the 17th November, given in our last, the Court of Queen's Bench did not hold any Sittings in Banc after Michaelmas Term. On the 20th inst. the Lord Chief Justice stated in court that it would not be advisable to do so, as the arrears were small; but that two *Nisi Prius* Courts would be held instead.

\* The first-named defendant, Sir Frederick Slade, Bart., died since the order of reference.

# ENGLISH AND IRISH LAW AND CHANCERY COMMISSION.

(Concluded from p. 410).

## x.—Improvements of the Law of Ireland.

We recommend—

1. That the form of testing writs of replevin, provided by the Common-law Procedure Act, Ireland, 1853, "witness the seal of our superior courts of common law," be substituted in writs of summons and plaint in personal actions for the forms given in the same statute (Schedule B, No. 1).

2. That the practice in the three superior courts of common law in Ireland should be uniform; and when differences shall appear to exist in the practice, the Lord Chief Justice of the Queen's Bench shall summon a meeting of the twelve judges to take the subject into consideration, and determine by a General Order or Orders, to be made by any seven or more of the judges, of whom two shall be chief judges, what the practice shall thenceforward be.

3. That the provisions of the Irish Common-law Procedure Act, 1853, sect. 98, fixing the number of jurors on inquiries before the Masters at not less than three, should be repealed, and that a full jury of twelve should be empanelled in every case.

4. That in all cases of writs of inquiry in Ireland it shall be lawful for the court or a judge to order that they may be tried before a judge at the Consolidated Nisi Prius Court, or at Nisi Prius, and (at his discretion) either at the after sittings or on circuit; and for that purpose to enter a suggestion on the record whenever the trial is to take place out of the venue county.

5. (1). That protection should be afforded to registered mortgages and assignments of mortgages in Ireland, by requiring service of ejectments on mortgages and their assignees, with nine months to redeem.

5. (2). That other interests in land in Ireland should be protected by restoring the principle of the Fourth General Order of 1856, requiring an affidavit of service from one of the plaintiffs, and from the attorney bringing the ejectment, that they do not know or believe that there is any person other than those who have been served, who is tenant, mortgagee, or assignee, under the lease or instrument sought to be evicted, or is in possession or receipt of the rents and profits of the premises sought to be recovered, or of any part thereof, or who has any subsisting estate or interest in such premises, or in any part thereof.

5. (3). And in the event of there being any difficulty in tracing the parties who ought to be served, that the Court should be empowered to make orders for substitution of service.

## xi.—Crown Side of the Court of Queen's Bench in Ireland.

We are of opinion—

That the Court of Queen's Bench in Ireland should be provided with like powers to those of the Court in England, and that the proceedings and practice adopted in England by the Crown side of the Court of Queen's Bench should be extended to Ireland.

## xii.—Office Copies of Documents.

We recommend—

That the rule which now prevails in some departments of the courts of law and equity in England and Ireland, viz. that no person shall be compelled to take an office or attested copy of any affidavit or other document, should be extended to all proceedings in all the superior courts of England and Ireland, both civil and criminal.

## II.—CONSTITUTION OF THE SUPERIOR COURTS OF COMMON LAW IN IRELAND AS TO NUMBER OF JUDGES.

We are of opinion—

That it is not expedient to reduce the number of the judges in the Courts of Queen's Bench, Common Pleas, or Exchequer in Ireland.

## III.—EQUITY PRACTICE AND PROCEDURE.

### i.—Origin of Difference therein in England and Ireland. Question of Assimilation.

In November, 1854, a commission was issued to inquire into the Irish Incumbered Estates Court, and whether its powers should be transferred to the Court of Chancery; and by their Report the Commissioners recommended that the office of Master in Chancery in Ireland should be abolished, one Master, however, being retained for the management of the business of receivers, and for auditing certain public accounts under statutes providing for that duty.

They also stated their opinion, that it would be for the interest of the public and of the Profession that the practice of the English and Irish Courts of Chancery should be assimilated as closely as circumstances would permit, so that the decisions of each might be applicable to both, and thus tend to establish a uniform system of equity in the two countries.

We have come to a unanimous resolution in favour of this assimilation.

We think it is of paramount importance to restore and preserve as far as possible a uniformity of system in the equity jurisprudence of the two countries.

### ii.—Inquiries in Ireland as to Irish System.—Details of Assimilation.

On the general question of assimilation of equity practice and procedure, and the changes connected with it, we are of opinion—

1. That it is expedient that the system of practice and procedure of the Courts of Chancery of England and of Ireland should be assimilated as far as practicable.

2. That the practice and procedure of the Court of Chancery of England are generally to be preferred to the practice and procedure of the Court of Chancery of Ireland.

3. That demurrers should be allowed for want of equity or for multifariousness only.

4. That the Irish rule of not requiring an attachment, and a return of non est inventus, in order to obtain a sequestration, should be extended to England.

### iii.—Practice and Procedure in Equity peculiar to Ireland, proposed to be retained in Ireland.

We are of opinion—

1. That the system of pleas should not be introduced into Ireland.

2. That in consequence of the existence of the Landed Estates Court in Ireland, the Irish practice as to decretal orders in foreclosure suits, directing a sale, and an account of all incumbrances affecting the premises, as well as a foreclosure, should be retained; and that the Irish practice limiting the number of parties to a foreclosure suit should also be retained.

3. That the Irish practice should be retained by which the delivery of the possession of lands, pursuant to a decretal order, is enforced by a writ of injunction to the sheriff of the county in which the lands are situate, which issues as of course upon a direction to that effect inserted in the decretal order.

4. That the Irish practice by which all notices in the Court of Chancery in Ireland are served through the notice office, and the service proved by indorsement on the notice, should be retained.

#### IV.—CONSTITUTION AND FEES OF THE COURT OF CHANCERY IN IRELAND.—MODIFICATIONS CONSEQUENT ON ASSIMILATION.

Our recommendations as to the changes in the constitution and fees of the Court of Chancery of Ireland, rendered necessary by the adoption of assimilation, are as follows:—

We are of opinion—

1. That the office of Master in Chancery in Ireland, other than that of the Receiver Master, should be abolished.

2. That the existing Masters should be retained so long as it may be found necessary that they may, as far as practicable, complete the business pending before them.

3. That, having regard to the special statutable duties now discharged by the Receiver Master, that office should be retained.

4. That the Master of the Rolls, with one Vice-Chancellor, having each one chief clerk and two assistant clerks, in addition to the Lord Chancellor and Lord Justice of Appeal, will be sufficient to dispose of the equity business in Ireland.

5. That it is desirable that power be given to the Lord Chancellor, with the advice and consent of the Master of the Rolls and Vice-Chancellor in Ireland, or one of them, by order under their hands, to appoint an additional chief clerk or assistant clerks to the Master of the Rolls and Vice-Chancellor, or either of them.

6. That power should be given to the Lord Chancellor of Ireland, with the advice and consent of the Lord Justice of Appeal, the Master of the Rolls, and the Vice-Chancellor in Ireland, or any two of them, to regulate the fees to be paid, so far as it shall be necessary to make any changes in the same in consequence of the alterations produced in equity practice and procedure by carrying into effect the preceding recommendations.

#### V.—SUBJECTS NOT IMMEDIATELY CONNECTED WITH PRACTICE AND PROCEDURE OR CONSTITUTION OF COURTS.

i.—*Accounts in the Court of Chancery in Ireland.—Unclaimed Dividends.*

ii.—*Appointment of Commissioners to take Affidavits for the Court of Chancery, Ireland.*

iii.—*Affidavit Office, Court of Chancery.*

iv.—*Acknowledgements and Consents by Married Women.*

v.—*Substitution of Stamps for Fees.*

The conclusions which we have formed on the several subjects included in the fifth part of our Report are contained in the following recommendations:—

We are of opinion—

1. That sects. 1, 2, and 3 of the stat. 16 & 17 Vict. c. 98, with reference to funds the dividends of which have not been dealt with for fifteen years, should be extended, *mutatis mutandis*, to the Lord Chancellor and Court of Chancery in Ireland.

2. That the provisions with regard to the taking of affidavits for the Court of Chancery in England contained in stat. 15 & 16 Vict. c. 86, s. 22, stat. 16 & 17 Vict. c. 78, and stat. 18 & 19 Vict. c. 42, should be extended, *mutatis mutandis*, to the Lord Chancellor and Court of Chancery in Ireland.

3. That the clerk of the affidavits of the Court of Chancery in Ireland should be empowered to administer oaths.

4. That the perpetual commissioners in Ireland for taking acknowledgments of deeds by married women

should have power to take the acknowledgments of married women residing in Ireland relating to land situate in England, and *vice versa*; and that the power of the perpetual commissioners in Ireland should be extended to taking the consent of married women residing in Ireland to the payment of money out of the Court of Chancery in England to their husbands, or otherwise, and *vice versa*.

5. That the fees of the Court of Chancery of Ireland should be collected by stamps, and that such officers of that court as now receive fees for their own benefit should receive an equivalent income by salary out of the fund produced by the stamps.

6. That the fees of the superior courts of common law in England should be collected by stamps.

We humbly submit this our First Report to your Majesty's royal consideration.

JOHN ROMILLY. (L.S.)

FRANCIS BLACKBURN. (L.S.)

JAMES H. MONAHAN. (L.S.)

A. BREWSTER. (L.S.)

\*JOSEPH NAPIER (L.S.)

W. P. WOOD. (L.S.)

JAS. S. WILLES. (L.S.)

HENRY GEORGE HUGHES. (L.S.)

WILLIAM ATHERTON. (L.S.)

THOMAS O'HAGAN. (L.S.)

ROUNDELL PALMER. (L.S.)

JAMES A. LAWSON. (L.S.)

H. M. CAIRNS. (L.S.)

GEORGE MARKHAM GIFFARD. (L.S.)

ROBT. B. FOLLETT. (L.S.)

RICHARD J. THEO. ORPEN. (L.S.)

Dated the 27th July, 1863.

(Signed) W. NEILSON HANCOCK,  
H. R. VAUGHAN JOHNSON,  
*Secretaries.*

Mr. Napier's reasons for dissenting from the foregoing recommendation as to the proposed abolition of the power of allowing equitable defences in ejectment:—

I do not agree in this recommendation. I think it is a retrograde step that ought not to be taken. I prefer to go forward, and have better provision made for the beneficial exercise of the power, either by enlarging it sufficiently, or by enabling the court of law to certify the facts which constitute the equitable defence, and thereby to obtain the direct intervention of a court of equity, so as to render the equitable defence available at law. I do not think it is either reasonable or just to allow a party to be defeated in a court of law, and to have judgment at law against him, if he has a good equitable defence, by means of which he could obtain the decree of a court of equity in his favour.

(Signed) JOSEPH NAPIER. (L.S.)

The Government intend, in the ensuing session of Parliament, to renew their project for building new courts of justice, or, as in imitation of the French it is commonly styled, a Palace of Justice. The necessary notices to enable the Commissioners of Public Works to acquire a site for the building have been given.

\* Dissenting from so much of the Report as relates to the abolition of equitable defences in ejectment.



ORGAN, DANIEL, Cheltenham, Gloucestershire, ironmonger, Dec. 4, Bristol. Off. Ass. Acraman; Sol. Wilkes, Gloucester.—Pet. f. Nov. 18.

PATTISON, FREDERICK, Milton-next-Gravesend, Kent, Trinity pilot, Dec. 2, Gravesend. Off. Ass. Southgate; Sol. Sharland, Gravesend.—Pet. f. Nov. 17.

PEARSE, WILLIAM, St. Mary Church, Devonshire, builder, Dec. 1, Newton-Abbot. Off. Ass. Pidsley; Sol. Carter, Torquay.—Pet. f. Nov. 17.

PHILLIPS, WILLIAM, Liverpool, machine broker, Dec. 4, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Oct. 31.

POLLARD, JOHN, Stamford, Lincolnshire, butcher, Dec. 2, Nottingham. Off. Ass. Harris; Sol. Laws, Stamford.—Pet. f. Nov. 18.

POSTLETHWAITE, GEORGE, Green-lane, within West Derby, and Liverpool, merchant, Dec. 2, Liverpool. Off. Ass. Morgan; Sols. Evans & Co., Liverpool.—Pet. f. Nov. 18.

PUGH, WILLIAM, Salford, Lancashire, boot manufacturer, Dec. 5, Salford. Off. Ass. Hulton; Sol. Ambler, Manchester.—Pet. f. Nov. 17.

ROBERTS, ROBERT, Liverpool, tailor, Dec. 2, Liverpool. Off. Ass. Turner; Sol. Smith, Liverpool.—Pet. f. Nov. 16.

ROYLE, THOMAS, Salford, Lancashire, out of business, Dec. 4, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Oct. 31.

SCOTT, HENRY DAMAIN, Boston, Lincolnshire, carver and gilder, Nov. 28, Boston. Off. Ass. Staniland; Sols. Brown & Co., Lincoln.—Pet. f. Nov. 14.

SMITH, FRANCIS HENRY, Bristol, dealer in horsehair, Dec. 4, Bristol. Off. Ass. Harley.—Adj. Nov. 3.

SMITH, HENRY, Birmingham, brassfounder, Dec. 14, Birmingham. Off. Ass. Kinnear; Sol. Parry, Birmingham.—Pet. f. Nov. 17.

SMITH, NATHANIEL, Houghton Regis, Bedfordshire, bootmaker, Nov. 30, Luton. Off. Ass. Austin; Sol. Simpson, St. Albans, Herts.—Pet. f. Oct. 24.

SMITH, WILLIAM, Cottingham, Yorkshire, grocer, Nov. 30, Hull. Off. Ass. Phillips; Sol. Walker, Hull.—Pet. f. Nov. 18.

SPRING, GEORGE, Lincoln, painter, Nov. 30, Lincoln. Off. Ass. Updeley; Sols. Brown & Co., Lincoln.—Pet. f. Nov. 18.

STOBART, JOSEPH, Newcastle-upon-Tyne, grocer, Dec. 3, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Nov. 18.

SUMNER, EBENEZER, Pontypool, Monmouthshire, bootmaker, Dec. 7, Pontypool. Off. Ass. Edwards; Sol. Edwards, Pontypool.—Pet. f. Nov. 18.

TALKINGTON, JOSEPH JOHN, Cheetham, near Manchester, merchant's clerk, Dec. 5, Salford. Off. Ass. Hulton; Sol. Gardner, Manchester.—Pet. f. Nov. 16.

THACKWRAY, ALICE, Harrogate, Yorkshire, lodging-house keeper, Dec. 9, Knaresborough. Off. Ass. Gill; Sol. Harle, Leeds.—Pet. f. Nov. 18.

WALKER, THOMAS, and KJELSEN, CONRAD SELVIN, Kewcastle-upon-Tyne, linen-draper, Dec. 3, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Nov. 17.

WESTWOOD, WILLIAM, Dudley, Worcestershire, greengrocer, Dec. 3, Dudley. Off. Ass. Walker; Sol. Warrington, Dudley.—Pet. f. Nov. 16.

WESTWOOD, WILLIAM, Lye, near Stourbridge, Worcestershire, currier, Dec. 4, Birmingham. Off. Ass. Kinnear; Sol. Collis, Stourbridge.—Pet. f. Nov. 6.

WHEELER, HENRY, Wellingborough, Northamptonshire, licensed victualler, Dec. 2, Wellingborough. Off. Ass. Burnham; Sol. Cook, Wellingborough.—Pet. f. Nov. 7.

YOUNG, THOMAS BROWN, Tunstall-hill, near Sunderland, manufacturer of smallwares, Dec. 2, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. Nov. 9.

#### BANKRUPTCIES ANNULLED.

GITTOES, JOHN, Great Barr, Staffordshire, Roman cement manufacturer.

HIRST, SAMUEL, Bradford, Yorkshire, woolestapler.

VARTY, JOSEPH, Wigan, Lancashire, builder.

#### TUESDAY, Nov. 24.

##### BANKRUPTS.

##### To be heard in London.

BARTLETT, MARY ANN, and BARTLETT, AMANDA, Great Cressingham, Norfolk, farmers, Dec. 8. Off. Ass. Graham; Sol. Drew, 4, New Basinghall-street.—Pet. f. Nov. 20.

BRADY, ARTHUR GRANVILLE, Oxford-street, commercial clerk, Dec. 8. Off. Ass. Cannan; Sols. Preston & Co., 13, Gresham-street.—Pet. f. Nov. 19.

BURBURY, THOMAS, Westow-hill, Upper Norwood, plumber, Dec. 8. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 20.

BURROWS, WILLIAM FREDERICK, Norwood, mattress maker, Dec. 15. Off. Ass. Stansfeld; Sol. Cooper, 43, Lincoln's-inn-fields.—Pet. f. Nov. 23.

BUTLER, SELINA, Oakley-square, St. Pancras, boarding-house keeper, Dec. 8. Off. Ass. Edwards; Sol. Walker, 12, Gray's-inn-square.—Pet. f. Nov. 21.

CLIFFORD, HENRY, Bloomsbury-terrace, Commercial-road East, smith, Dec. 15. Off. Ass. Stansfeld; Sol. Marshall, 9, Lincoln's-inn-fields.—Pet. f. Nov. 20.

COLLIER, ROBERT, Finsbury-pavement, commercial traveller, Dec. 8. Off. Ass. Edwards; Sols. Treherne & Co., 75, Aldermanbury.—Pet. f. Nov. 19.

CUMBERS, ALFRED, Romford, Essex, drover, Dec. 15. Off. Ass. Stansfeld; Sol. Hare, 66, Basinghall-street.—Pet. f. Nov. 20.

GOOSMANN, EDWARD CHARLES FREDERICK, Windmill-street, Tottenham-court-road, and Hunter-street, Brunswick-square, working jeweller, Dec. 14. Off. Ass. Stansfeld; Sol. Rickotts, 19, Frederick street, Gray's-inn-road.—Pet. f. Nov. 19.

GUICHARD, PIERRE ANTOINE EMILE, Lower Stamford-street, Blackfriars, French advocate, Dec. 8. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. Nov. 20.

HAMILTON, ROBERT, Campbell-road, Holloway, architect's clerk, Dec. 8. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 19.

HARDY, JOHN, Curtain-road, Shoreditch, cabinet maker, Dec. 14. Off. Ass. Stansfeld; Sols. Taylor & Co., 15, South-street, Finsbury-square.—Pet. f. Nov. 20.

JAGUES, ROBERT, Chatham-place, Blackfriars, vender of printing ink, Dec. 8. Off. Ass. Graham; Sol. Gant, 37, Nicholas-lane.—Pet. f. Nov. 20.

JENNINGS, JOSEPH, Endell-street, Long-acre, out of business, Dec. 8. Off. Ass. Graham; Sol. Munday, 6, Essex-street, Strand.—Pet. f. Nov. 20.

MESSON, THOMAS, Warwick-street, Pimlico, out of business, Dec. 14. Off. Ass. Stansfeld; Sol. Pook, 27, Basinghall-street.—Pet. f. Nov. 21.

OSBORN, JOSEPH; OSBORN, JEREMIAH; and OSBORN, ELIJAH, Kelvedon, Essex, shoemakers, Dec. 14. Off. Ass. Stansfeld; Sol. Duffield, 30, Cornhill.—Pet. f. Nov. 19.

RAYNER, WILLIAM, Bucklersbury, bill broker, Dec. 8. Off. Ass. Edwards; Sol. Chidley, 25, Old Jewry.—Pet. f. Nov. 18.

SALLIS, JOSEPH, South-place, Upper Grange-road, Bermondsey, iron moulder, Dec. 5. Off. Ass. Graham; Sol. Hare, 66, Basinghall-street.—Pet. f. Nov. 18.

SEWELL, STEPHEN JOHN, Rufford's-buildings, Islington, ham and beef dealer, Dec. 12. Off. Ass. Stansfeld; Sol. Armstrong, 33, Old Jewry.—Pet. f. Nov. 21.

SNEAD, SYDNEY GEORGE, Rochester, Kent, tailor, Dec. 8. Off. Ass. Edwards; Sol. Marshall, 12, Hatton-garden.—Pet. f. Nov. 19.

SMART, ROBERT, Nicholas-street, St. Peter's-road, Mile-end-road, bookkeeper, Dec. 12. Off. Ass. Stansfeld; Sol. Pope, 27, Ausuburn-street.—Pet. f. Nov. 20.

SMITH, ROBERT TOMLIN, Wellingborough, Northamptonshire, baker, Dec. 5. Off. Ass. Graham; Sols. Roscoe & Co., 14, King-street, Finsbury-square.—Pet. f. Nov. 19.

STREDDER, GEORGE SMITH, Wellesley-avenue, Starch-green, Hammersmith, commission agent, Dec. 8. Off. Ass. Edwards; Sols. Holt & Co., Quality-court, Chancery-lane.—Pet. f. Nov. 20.

TERRAT, LEIGHTON, Alma-terrace, Stockwell, shorthand writer, Dec. 12. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 21.

WOOD, JOHN, Stanley-street, Pimlico, commercial traveller on commission, Dec. 12. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 17.

##### To be heard in the Country.

AVERY, ROBERT, Bledon, Buckinghamshire, publican, Dec. 16. High Wycombe. Off. Ass. Parker; Sol. Fell, Aylesbury.—Pet. f. Nov. 16.

BALDWIN, THOMAS, Ross, Herefordshire, carpenter, Dec. 14, Birmingham. Off. Ass. Kinnear; Sols. Williams, Ross; Hodgson & Co., Birmingham.—Pet. f. Nov. 20.

BECK, JAMES, Great Marlow, Buckinghamshire, butcher, Dec. 16. High Wycombe. Off. Ass. Parker; Sol. Clarke, High Wycombe.—Pet. f. Nov. 16.

BRECKITT, CHARLES, Sheffield, table blade forger, Dec. 9, Sheffield. Off. Ass. Wake; Sol. Binney, Sheffield.—Pet. f. Nov. 21.

BINNS, JESSE, Oxenhope, near Keighley, Yorkshire, worsted spinner, Dec. 7, Leeds. Off. Ass. Carrick; Sols. Terry & Co., Bradford; Bond & Co., Leeds.—Pet. f. Nov. 20.

BOSLEY, MARY ANN, Lydeard Saint Lawrence, Somersetshire, out of business, Dec. 5, Taunton. Off. Ass. Giles; Sol. Trenchard, Taunton.—Pet. f. Nov. 21.

BOTTOMLEY, JOSEPH, Bradford, Yorkshire, manufacturer, Dec. 7, Leeds. Off. Ass. Carrick; Sols. Floyd & Co., Huddersfield; Bond & Co., Leeds.—Pet. f. Nov. 18.

CORP, WILLIAM, Hull, tailor, Nov. 26, Hull. Off. Ass. Phillips.—Adj. Oct. 31.

CRAGGS, STEPHEN, and CRAGGS, JAMES, Ripon, Yorkshire, farmers, Dec. 7, Leeds. Off. Ass. Carrick; Sol. Harle, Leeds.—Pet. f. Nov. 21.

DAVIS, FREDERICK, Alcester, Warwickshire, needle scourer, Dec. 15, Alcester. Off. Ass. Jones; Sols. Griffiths & Co., Campden, Gloucestershire.—Pet. f. Nov. 21.

DURE, FREDERICK, Coleford, Gloucestershire, builder, Dec. 11, Bristol. Off. Ass. Acraman; Sols. Bevan & Co., Bristol.—Pet. f. Nov. 19.

ELLIOTT, ELIZABETH WATSON, Leeds, schoolmistress, Dec. 24, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Nov. 19.

FRABY, STEPHEN, Askam Richard, near York, provision dealer, Dec. 2, York. Off. Ass. Perkins; Sol. Mason, York.—Pet. f. Nov. 5.

FISHER, RICHARD, and FISHER, WILLIAM, Sheffield, drapers, Dec. 12, Sheffield. Off. Ass. Young; Sol. Broadbent, Sheffield.—Pet. f. Nov. 21.

HOODLESS, SAMUEL, Bolton, Lancashire, joiner, Dec. 9, Bolton. Off. Ass. Holden; Sol. Edge, Bolton.—Pet. f. Nov. 28.

JOHNSON, JOHN, Scamblesby, Lincolnshire, out of business, Dec. 4, Horncastle. Off. Ass. Clitherow; Sols. Brown & Co., Lincoln.—Pet. f. Nov. 20.

JONES, RICHARD, Botwnog, Carnarvonshire, farmer, Dec. 7, Liverpool. Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. Nov. 21.

KANUNA, AURELIS, Manchester, merchant, Dec. 7, Manchester. Off. Ass. Horneman; Sols. Taylor & Co., Manchester.—Pet. f. Nov. 21.

LITTLE, JAMES, Bristol, baker, Dec. 18, Bristol. Off. Ass. Harley; Sol. Goulden, Bristol.—Pet. f. Nov. 19.

LLOYD, SAMSON, Birmingham, out of business, Dec. 21, Birmingham. Off. Ass. Guest; Sol. East, Birmingham.—Pet. f. Nov. 19.

**MONKE, JAMES**, Warrington, Lancashire, gunsmith, Dec. 10, Warrington. *Off. Ass. Nicholas; Sol. Moore, Warrington.—Pat. f. Nov. 16.*

**MORGAN, THOMAS**, Ffrwdanau Dinas, near Pontypridd, Glamorganshire, contractor, Dec. 7, Pontypridd. *Off. Ass. Spickard; Sol. Flewa, Merthyr Tydfil.—Pat. f. Nov. 21.*

**MORGAN, THOMAS**, Kingswinford, Staffordshire, tin picker, Dec. 16, Stourbridge. *Off. Ass. Harward; Sol. Collis, Stourbridge.—Pat. f. Nov. 20.*

**OLIVER, JOSEPH**, West Hartlepool, Durham, provision dealer, Dec. 7, Newcastle-upon-Tyne. *Off. Ass. Baker; Sol. Marshall, West Hartlepool.—Pat. f. Nov. 18.*

**PAGE, THOMAS**, Halesworth, Suffolk, of no trade, Dec. 8, Halesworth. *Off. Ass. Bass; Sol. Pollard, Ipswich.—Pat. f. Nov. 7.*

**PARKING, JONATHAN**, Leicester, carrier, Dec. 6, Nottingham. *Off. Ass. Harris; Sol. Chamberlain, Leicester.—Pat. f. Nov. 29.*

**PESTER, JAMES**, Burnham, Somersetshire, cordwainer, Dec. 8, Weston-super-Mare. *Off. Ass. Davies; Sol. Reed, Bridgwater.—Pat. f. Nov. 18.*

**PETER, SAMUEL**, Lewannick, Cornwall, farmer, Dec. 4, Exeter. *Off. Ass. Hirtzel; Sol. Floud, Exeter.—Adj. Nov. 10.*

**POOLER, HANLEY**, Hanley, Staffordshire, bootmaker, Dec. 19, Hanley. *Off. Ass. Challiner; Sol. Litchfield, Newcastle-under-Lyme.—Pat. f. Nov. 21.*

**RICHARDS, WILLIAM**, Cardiff, Glamorganshire, innkeeper, Dec. 2, Cardiff. *Off. Ass. Langley; Sol. Wilcocks, Cardiff.—Adj. Oct. 9.*

**ROBINSON, JOHN KENNICK**, Hulme, Manchester, commission agent, Dec. 14, Manchester. *Off. Ass. Kay; Sol. Gardner, Manchester.—Pat. f. Nov. 14.*

**SEAWAN, SAMUEL**, Weston-super-Mare, Somersetshire, yeoman, Dec. 8, Weston-super-Mare. *Off. Ass. Davies.—Adj. March 13.*

**SHREASY, JOHN**, Great Packington, Warwickshire, baker, Dec. 8, Coventry. *Off. Ass. Kirby; Sol. Parry, Birmingham.—Pat. f. Nov. 19.*

**SMITH, HENRY BANNISTER**, Sheffield, commercial traveller, Dec. 12, Sheffield. *Off. Ass. Young; Sol. Webster, Sheffield.—Pat. f. Nov. 21.*

**SMITH, NOAH**, Leek, Staffordshire, out of employment, Dec. 10, Leek. *Off. Ass. Bloore; Sol. Tennant & Co., Hanley.—Pat. f. Nov. 29.*

**STILES, JOHN**, Bristol, earn factor, Dec. 11, Bristol. *Off. Ass. Miller; Sol. Bevan & Co., Bristol.—Pat. f. Nov. 13.*

**STOKES, ROBERT**, Sheffield, licensed victualler, Dec. 9, Sheffield. *Off. Ass. Wake; Sol. Broadbent, Sheffield.—Adj. May 12.*

**SUTCLIFFE, JANE**, and **SUTCLIFFE, JOB**, Rochdale, Lancashire, provision dealers, Dec. 8, Manchester. *Off. Ass. Pott; Sol. Standing & Co., Rochdale.—Pat. f. Nov. 20.*

**SUTCLIFFE, NATHAN**, Slaithwaite, near Huddersfield, Yorkshire, manufacturer, Dec. 7, Leeds. *Off. Ass. Carrick; Sol. Floyd & Co., Huddersfield; Bond & Co., Leeds.—Pat. f. Nov. 19.*

**TYLER, GEORGE**, Leigh Linton, Worcestershire, baker, Dec. 14, Birmingham. *Off. Ass. Whitmore; Sol. Wilson, Worcester.—Pat. f. Nov. 19.*

**WALSH, ROBERT**, Hulme, Manchester, out of business, Dec. 14, Manchester. *Off. Ass. Kay; Sol. Elcott, Manchester.—Pat. f. Nov. 19.*

**WEARIE, THOMAS**, Sheffield, joiner, Dec. 9, Sheffield. *Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pat. f. Nov. 20.*

**WILLIAMS, DAVID**, Wolverhampton, licensed retailer of ale, Dec. 14, Wolverhampton. *Off. Ass. Brown; Sol. Cresswell, Wolverhampton.*

**WILLINGTON, THEOPHILUS ALFRED GILBERT**, Handsworth, Staffordshire, doctor in medicine, Dec. 14, Birmingham. *Off. Ass. Kinneir; Sol. Richards, Birmingham.—Pat. f. Nov. 10.*

**WINTERBOTTOM, BEWICK**, Oldham, Lancashire, machine maker, Dec. 11, Oldham. *Off. Ass. Summercales; Sol. Gardner, Manchester.—Adj. Sept. 17.*

#### BANKRUPTCIES ANNULLED.

**GRIFF, RICHARD JAMES**, Mason's-avenue, Bealingshall-street, tailor.

**WATSON, JOHN**, Broad-court, Bow-street, of no occupation.

Now ready,

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**HALL, CHARLES**, Broadwater-villas, Warwick-road, Meida-hill West, and Coleman-street, City, accountant, Dec. 14. Off. Ass. Stansfeld; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Nov. 23.

**HART, GEORGE WILLIAM**, Pearson-street, Kingsland-road, wholesale shoe manufacturer, Dec. 15. Off. Ass. Edwards; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Nov. 25.

**HAWKINS, JOHN CHARLES**, Heath-road, Twickenham, gardener's labourer, Dec. 14. Off. Ass. Stansfeld; Sol. Dodd, 26, New Broad-street.—Pet. f. Nov. 24.

**HENNERST, JAMES JOHN**, Royal Mint-street, City, waste paper dealer, Dec. 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. Nov. 23.

**MACROW, THOMAS CHRISTMAS**, Marlborough-road, Chelsea, grocer, Dec. 14. Off. Ass. Stansfeld; Sol. Reed, 1, Guildhall-chambers.—Pet. f. Nov. 25.

**MOBBY, CHARLES JOSEPH**, Albion-terrace, Camberwell New-road, out of business, Dec. 14. Off. Ass. Stansfeld; Sol. Peverly, 73, Coleman-street.—Pet. f. Nov. 25.

**NINET, LOUIS FREDRIQUE**, Victoria-terrace, Westbourne-grove, professor of fencing, Dec. 14. Off. Ass. Stansfeld; Sol. Manier, 31, Bedford-row.—Pet. f. Nov. 23.

**OGILVIE, ALEXANDER**, Bell-street, Edgware-road, iron-plate worker, Dec. 12. Off. Ass. Graham; Sol. Eys, 32, Poultry.—Pet. f. Nov. 23.

**PHILLIPS, THOMAS**, Marchmont-street, Burton-crescent, cutler, Dec. 15. Off. Ass. Edwards; Sol. Jones, 27, Southampton-buildings.—Pet. f. Nov. 23.

**PLANGUE, PEDRO**, Rupert-street, Haymarket, dyer, Dec. 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. Nov. 23.

**RYMILL, WILLIAM**, Gloucester-place, Westmoreland-road, and Richmond-place, Walworth, currier, Dec. 12. Off. Ass. Graham; Sol. Orchard, 5, John-street, Bedford-row.—Pet. f. Nov. 23.

**SAWLE, FRANCIS**, Denman-street, Golden-square, out of employ, Dec. 12. Off. Ass. Graham; Sol. Cooper, 45, Lincoln's-inn-fields.—Pet. f. Nov. 24.

**SUMMERS, JAMES**, Fenchurch-street, City, porter, Dec. 12. Off. Ass. Stansfeld; Sol. Smith, 3, New Broad-street.—Pet. f. Nov. 25.

**TIPPLE, WILLIAM**, Markham-square, King's-road, Chelsea, Colonial broker, Dec. 15. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Nov. 25.

**WELCH, JAMES JESSE**, Coleman-street, and Welbeck-street, Cavendish-square, printer, Dec. 15. Off. Ass. Edwards; Sol. Peverly, 73, Coleman-street.—Pet. f. Nov. 21.

**WESTON, THOMAS**, Southend, Kensington, out of business, Dec. 8. Off. Ass. Edwards; Sol. Bickley, 32, King William-street.—Pet. f. Nov. 23.

*To be heard in the Country.*

**ADCOCK, WILLIAM HENRY**, Sheffield, brewer's traveller, Dec. 9. Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. Nov. 24.

**ANDERSON, JOHN**, Great Lumley, Durham, surgeon, Dec. 10. Durham. Off. Ass. Branwell; Sol. Stafford, Durham.—Pet. f. Nov. 24.

**ANDREW, CHARLES SKIMMELL**, Swansea, Glamorganshire, brewer, Dec. 9. Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Nov. 23.

**ASKW, DANIEL**, Peterborough, Northamptonshire, baker, Dec. 12. Peterborough. Off. Ass. Gachey; Sol. Smedley, Peterborough.—Pet. f. Nov. 20.

**AUSTIN, JOHN**, and **AUSTIN, ROBERT**, Nottingham, and Long Eaton, Derbyshire, lace manufacturers, Dec. 8. Nottingham. Off. Ass. Harris; Sol. Briggs, Nottingham.—Pet. f. Nov. 25.

**BARROW, JAMES**, West Gorton, near Manchester, manufacturing chemist, Dec. 21. Manchester. Off. Ass. Pott; Sols. Sale & Co., Manchester.—Pet. f. Nov. 25.

**BONNETTO, JOHN**, Illogan, Cornwall, saddler, Dec. 12. Redruth. Off. Ass. Peter; Sol. Stephenson.—Pet. f. Nov. 24.

**BRINDLE, JOHN, LEONARD**, Southampton, retailer of beer, Dec. 16. Southampton. Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Nov. 24.

**CARR, FREDERICK THOMAS HENRY**, Derby, corn factor, Dec. 8. Derby. Off. Ass. Weller; Sol. Leech, Derby.—Pet. f. Nov. 10.

**CHILD, WILLIAM HENRY**, Hereford, and Great Malvern, Worcestershire, builder, Dec. 14. Birmingham. Off. Ass. Kinneer; Sols. Jay, Hereford; Cawley & Co., Great Malvern; James & Co., Birmingham.—Pet. f. Nov. 24.

**COCKBURN, EDWARD**, Rugby, Warwickshire, coal merchant, Dec. 11. Birmingham. Off. Ass. Whitmore; Sols. James & Co., Birmingham.—Pet. f. Nov. 5.

**DAWS, CHARLES HARRISON**, Emneth, Norfolk, wheelwright, Dec. 16. Wisbech. Off. Ass. Metcalfe; Sol. Wilkin, King's Lynn.—Pet. f. Nov. 28.

**DAWSON, WILLIAM**, Masborough, near Rotherham, Yorkshire, grocer, Dec. (and not Nov., as before advertised) 10. Rotherham. Off. Ass. Newman; Sol. Hirst, Rotherham.—Pet. f. Nov. 16.

**DOWELL, WILLIAM**, Lower Lancing, Sussex, licensed victualler, Dec. 8. Worthing. Off. Ass. Dennett; Sol. Goodman, Brighton.—Pet. f. Nov. 23.

**EVANSON, RICHARD TONKSON**, Torquay, Devonshire, doctor of medicine, Dec. 11. Exeter. Off. Ass. Hirtzel; Sols. Bishop, Torquay; Fryer, Exeter.—Pet. f. Nov. 24.

**FISHER, THOMAS**, Williton, Somersetshire, omnibus driver, Dec. 8. Williton. Off. Ass. White; Sol. White, Williton.—Pet. f. Nov. 21.

**FRASER, JOHN**, Portsea, Hampshire, out of business, Dec. 17. Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. Nov. 21.

**HALL, JOHN**, Plardwick, near Gnosall, Staffordshire, bricklayer, Dec. 14. Birmingham. Off. Ass. Kinneer; Sols. Pinchard & Co., Wolverhampton; Hodgson & Co., Birmingham.

**HALLETT, JOHN BASSETT**, Hurstpoint, Sussex, baker, Dec. 21. Cuckfield. Off. Ass. Waugh; Sol. Goodman, Brighton.—Pet. f. Nov. 17.

**HUBBOKS, WILLIAM**, Maids Moreton, Buckinghamshire, Dec. 21. Buckingham. Off. Ass. Hears; Sol. Kilby, Danbury.—Adj. Nov. 16.

**KEMP, WILLIAM**, Birmingham, out of business, Dec. 21. Birmingham. Off. Ass. Guest.—Pet. f. Nov. 17.

**LAWLEY, RICHARD**, Burwarston, Shropshire, haulier, Dec. 28. Bridgnorth. Off. Ass. Smith; Sol. Eurbury, Stourbridge.—Pet. f. Nov. 21.

**LEES, SILVESTER**, Oldham, Lancashire, cotton spinner, Dec. 8. Manchester. Off. Ass. Herniman; Sols. Brooks & Co., Manchester.—Pet. f. Nov. 23.

**LLOYD, WILLIAM**, West Bromwich, Staffordshire, cattle dealer, Dec. 4. West Bromwich. Off. Ass. Watson; Sol. Stratton, Wolverhampton.—Pet. f. Nov. 20.

**MARTIN, CHARLES**, Eckington, Worcestershire, publican, Dec. 22. Pershore. Off. Ass. Hudson; Sol. Wilson, Worcester.—Pet. f. Oct. 27.

**MASON, GEORGE**, Manchester, salesman, Dec. 23. Manchester. Off. Ass. Pott; Sol. Partington, Manchester.—Pet. f. Nov. 24.

**MOORE, GEORGE**, Derby, dealer in fruit, Dec. 8. Derby. Off. Ass. Weller; Sol. Leech, Derby.—Pet. f. Nov. 10.

**MOORE, HENRY**, Derby, coach builder, Dec. 8. Derby. Off. Ass. Weller; Sol. Leech, Derby.—Pet. f. Nov. 18.

**MORREY, JOHN**, Banbury, Oxfordshire, innkeeper, Dec. 10. Banbury. Off. Ass. Fortescue; Sol. Pellatt, Banbury.—Pet. f. Nov. 24.

**MORRIS, JOHN**, Birmingham, clothier, Dec. 21. Birmingham. Off. Ass. Guest.—Pet. f. Nov. 17.

**NICHOLAS, FREDERICK**, Birmingham, out of business, Dec. 21. Birmingham. Off. Ass. Guest.—Pet. f. Nov. 17.

**NOCK, CHARLES**, Birmingham gun-barrel striker, Dec. 21. Birmingham. Off. Ass. Guest.—Pet. f. Nov. 17.

**NORTON, EDWIN VAINES**, Hoyland Nether, Yorkshire, farmer, Dec. 12. Sheffield. Off. Ass. Young; Sol. Broadbent, Sheffield.—Pet. f. Nov. 23.

**OATS, RICHARD FAVELL**, Marazion, Cornwall, tinman, Dec. 5. Penzance. Off. Ass. Davies; Sol. Millett, Penzance.—Pet. f. Nov. 21.

**OFFER, RICHARD**, Bristol, licensed victualler, Dec. 18. Bristol. Off. Ass. Harley; Sol. Shipton, Bristol.—Pet. f. Nov. 24.

**OTTER, WILLIAM CURTIS**, Liverpool, clerk in an insurance office, Dec. 9. Liverpool. Off. Ass. Hime; Sol. Husband, Liverpool.—Pet. f. Nov. 24.

**PALFIREMAN, JOHN**, Angram, near York, cattle dealer, Dec. 14. Leeds. Off. Ass. Carrick; Sol. Mason, York.—Pet. f. Nov. 24.

**QUINCEY, WILLIAM**, Emneth, Norfolk, wheelwright, Dec. 16. Wisbech. Off. Ass. Metcalfe; Sol. Wilkin, King's Lynn.—Pet. f. Nov. 23.

**RAMSDEN, JOHN**, Cleckheaton, Yorkshire, wheelwright, Dec. 11. Bradford. Off. Ass. Robinson; Sol. Green, Bradford.—Pet. f. Nov. 21.

**ROBERTS, AARON**, Newchurch, Carmarthenshire, clerk in holy orders, Dec. 11. Bristol. Off. Ass. Acraman; Sol. Bevan, Bristol.—Pet. f. Nov. 25.

**ROBINSON, JOHN**, Stanley, Derbyshire, shoemaker, Dec. 8. Derby. Off. Ass. Weller; Sol. Briggs, Derby.—Pet. f. Nov. 23.

**SCOTT, JAMES**, Dearham, Cumberland, innkeeper, Dec. 7. Cockermouth. Off. Ass. Waugh; Sol. Patison, Whitehaven.—Pet. f. Nov. 18.

**SECORME, GREGORY**, Plymouth, Devonshire, auctioneer, Dec. 8. East Stonehouse. Off. Ass. Pearce; Sol. Gidley, Plymouth.—Pet. f. Nov. 20.

**SHORT, JOHN**, Bolton, Lancashire, waste dealer, Dec. 21. Bolton. Off. Ass. Holden; Sols. Greenhalgh & Co., Bolton.—Adj. Nov. 19.

**SHORT, JOHN**, West Hartlepool, Durham, cartwright, Dec. 11. Hartlepool. Off. Ass. Child; Sol. Belk, West Hartlepool.—Pet. f. Nov. 24.

**SHORTER, JOHN**, Reigate, Surrey, carpenter, Dec. 11. Reigate. Off. Ass. Hart; Sol. Marshall, 12, Hatton-garden.—Pet. f. Nov. 31.

**SKELTON, WILLIAM ALLEN**, Norwich, bricklayer, Dec. 8. Norwich. Off. Ass. Palmer; Sol. Sudd, Norwich.—Pet. f. Nov. 24.

**SLATER, JOHN**, Birmingham, chair turner, Dec. 21. Birmingham. Off. Ass. Guest.—Pet. f. Nov. 17.

**STANIER, FRANCIS**, Manchester, grocer, Dec. 8. Manchester. Off. Ass. Pott; Sol. Grundy, Manchester.—Pet. f. Nov. 21.

**STARKE, ROBERT**, Uffculm, Devonshire, farmer, Dec. 11. Exeter. Off. Ass. Hirtzel; Sol. Friend, Exeter.—Pet. f. Nov. 23.

**STEEPLES, MATTHEW**, Codnor, Derbyshire, jobbing smith, Dec. 8. Derby. Off. Ass. Weller; Sol. Leech, Derby.—Pet. f. Nov. 18.

[For continuation of Gazette, see p. 441, col. 2.]

## CONTENTS.

London Gazettes.....	426
Leading Article.....	427
Meeting of the Bar on the State of Law Reporting ..	428
Review .....	429
General Orders for regulating the Practice and Procedure of the County Courts, under the Bankruptcy Act, 1861.....	430
Rules, Orders, and Forms, for regulating the Practice of the County Courts, 1863 .....	436
Books Received .....	439
Court Papers:—Equity Cause Lists for Sittings after Michaelmas Term .....	440
Statutes passed during the late Session of Parliament.	

#### NAMES OF THE CASES REPORTED. COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.	
<i>Ex parte Rawlings, in re Rawlings.</i> —(Bankruptcy—24 & 25 Vict. c. 139, s. 129—Creditors' assignees, duty of—Omission to render accounts, and to attend meetings) .....	1183

#### COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.	
<i>Cox's Case.</i> —(Contributory—Trustees) .....	1184

#### ROLLS COURT.

By C. W. CROUCH, Barrister at Law.	
<i>Re Arnold.</i> —(Will—Construction) .....	1186
<i>Godfrey v. Tucker.</i> —(Suit by judgment creditor—Right of redemption—Writ of elegit).....	1188
<i>Glanville v. Glanville.</i> —(Will—Construction) ....	1189

#### VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.	
<i>Foxwell v. Webster.</i> —(Multiplicity of suits—Patent) .....	1189

#### VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.	
<i>Bargent v. Thomson and Others.</i> —(Lessor and lessee—Breach of covenant—Repairs not completed within time mentioned in notice—Action of ejectment—Perpetual injunction) .....	1192
<i>Beadel v. Pitt.</i> —(Landlord and tenant—Agreement for lease of one undivided fourth part—Possession and enjoyment—Notice to quit—Specific performance—Costs) .....	1194

VICE-CHANCELLOR WOOD'S COURT.	
By H. B. INCH and J. HOWARD, Barristers at Law.	
<i>Swaine v. The Great Northern Railway Company.</i> —(Nuisance—Jurisdiction—Laches—Acquiescence) .....	1196

#### COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.	
<i>Reg., on the Prosecution of the Overseers of the Parish of Bishop's Lydeard v. The Overseers of the Parish of Hendon.</i> —(Pauper—Order of removal—Irramovability by three years' residence—24 & 25 Vict. c. 55, s. 1).....	1197
<i>Cooper v. Asprey.</i> —(Sheriff—Fi. fa.—Bill of sale—Interpleader—Contempt) .....	1198

#### COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.	
<i>Cordery v. Colville.</i> —(Bill of exchange—Notice of dishonour, waiver of—Pleading) .....	1200
<i>Mumford v. Hitchcock.</i> —(Practice—Appearance—Holidays) .....	1200

#### COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.	
<i>Baker v. The Guardians of the Poor of the Bellericay Union.</i> —(Poor-law guardians—Limitation to time for suing—Plea in bar) .....	1201

#### COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNST BROWNING, Barrister at Law.	
<i>N. v. N.</i> —(Judicial separation—Cruelty—Charges of unnatural connexion and infection) .....	1203

#### COURT OF PROBATE.

By DR. MIDDLETON.	
<i>In the Goods of Tyrwhitt Pulman, Deceased.</i> —(Probate—Executor in England—Practice) ..	1204
<i>In the Goods of Charles Robert Sperling, Deceased.</i> —(Will—Execution—Attestation) .....	1205

#### COURT OF ADMIRALTY.

By W. ERNST BROWNING, Barrister at Law.	
<i>The Santa Anna.</i> —(Damage to goods—General average—Admiralty Court Act, 1861, sect. 6—"Breach of duty or breach of contract").....	1205

## THE JURIST.

LONDON, DECEMBER 5, 1863.

THE court-martial on Lieutenant-Colonel Crawley, which is now dragging its unwieldy length along at Aldershot, invites attention to the practice of those tribunals. We, therefore, propose briefly to consider it, without however alluding in any way to the merits of that particular case.

Military men, in general, are much enamoured with this their own tribunal, and hold it beyond all comparison superior to every other in its facilities of detecting guilt and protecting innocence. Nor is this a notion confined to persons of that profession. Bentham repeatedly speaks of courts-martial, as courts of natural procedure, on the ground that they act *without forms*, whereas the ordinary tribunals are, he says, encumbered with forms almost countless. But no person having even a general acquaintance with the subject will recognise the accuracy of this description. The manner of constituting the court-martial, the oath of secrecy taken by its members, the questions that continually arise before it relative to the correctness of the manner in which the charges

against the accused are framed, the admissibility of evidence; and above all, the burdensome, and we cannot help thinking, mischievous, practice of reducing to writing every question and answer, as well as many other incidental matters, &c., all shew the *formal* character of the proceedings; and those who have no acquaintance with the subject cannot, in order to be fully enlightened upon it, do better than read the report of Lieutenant-Colonel Crawley's court-martial. The truth is, that Bentham's observations relative to the absence of forms at courts-martial, are only applicable to the case of what is known in the service by the name of a drum-head court-martial—a sort of tribunal which, when troops are on the march, is improvised to deal with cases of open delinquency requiring instant punishment—a tribunal, the necessity for which, under such circumstances, we do not pretend to deny—but the introduction of the maxims or procedure of which into the affairs of civil life would be an act alike of wanton tyranny and ineffable absurdity.

On the other hand, the court-martial not unfrequently meets with hard measure at the hands of civilians; who are apt to view its proceedings as founded on despotism, and its procedure on pedantry and red tapism; a feeling not a little strengthened by the recollection, that in times of open insurrection the



ordinary tribunals of the land are often set aside by the ruling powers, and replaced by courts-martial, which proceed, we fear we must say *ex necessitate rei*, with an amount of energy and violence not consistent with any nice discrimination of guilt and innocence.

The fact seems to be, that courts-martial are used for three very different classes of cases:—First, there is the drum-head court-martial already referred to, under which may, perhaps, be classed the courts-martial held during open insurrection—a species of tribunal plainly unfitted for any regular state of society. Secondly, courts-martial on offences recognised alike by the military law and by the common law in which the superiority of the latter, at least for the civil purposes of life, is too obvious to need pointing out to any candid mind. Thirdly, and principally, courts-martial for the trial and punishment of purely military offences. Here the superiority of the court-martial to any civil tribunal is very striking; in fact, it may be questioned whether for such offences any other tribunal is possible. It is only those who have received a military training who can truly judge of military offences; that which to the eye of a civilian may be no offence at all, or at most a peccadillo—e. g. leaving for a moment an unattacked post, or insubordinate language under very gross provocation—may be to military eyes an offence of the deepest gravity. Nor can this be otherwise. War is an unnatural state, and its rules and practice ought not to be measured by those observed in time of peace—it is unfair to try them by such a standard—"Silent leges inter arma." Besides, the proceedings of military courts-martial have no validity until reviewed by a superior officer, who has the power, and frequently exercises it, of annulling the whole. In short, the statement made on one occasion in the House of Lords by the late Duke of Wellington, a good judge of such matters, seems pretty near the truth:—"Martial law is the will of the commanding officer." It is to be observed, however, that a naval court-martial requires no such supervision, and either condemns and sentences, or acquits the accused at once.

Civilians would, however, do well, when discussing this question, not to press too far the argument based on the prolixity of military tribunals. Military men, usually jealous enough of their own forms, might retort the terribly voluminous proceedings on the commission of lunacy against Mr. Wyndham, and the case of Miss Shedden, who was allowed to waste fourteen days of the time of the Divorce Court by a simple inquiry into the legitimacy of her father, and similar cases before the ordinary tribunals. To these two particular instances it might, indeed, be replied, that the former produced an act of Parliament to remedy some of the most crying evils disclosed by it, and that in the latter a lady pleaded her own cause in person—an argument based on gallantry; but it is impossible not to see the tendency which in our day judicial proceedings, civil or military, have acquired of becoming *procès monstres*—a thing to be strongly deprecated, as giving rise to wanton delay and expense, and often seriously prejudicial to the interests of justice.

## MEETING OF THE BAR ON THE STATE OF LAW REPORTING.

THE meeting convened by the Attorney-General, "for the purpose of ascertaining the opinion of the Bar as to the existing system of law reporting, with a view to the amendment thereof," the announcement of which will be found in our last number (*ante*, p. 416), took place on Wednesday, in the Dining Hall, of Lincoln's Inn. The Attorney-General presided, and the attendance was very numerous.

Mr. Daniel, Q. C., moved the first resolution, viz. "That in the opinion of this meeting the present system of preparing, editing, and publishing the reports of judicial decisions in this country requires amendment."

Sir F. Kelly, Q. C., M. P., seconded the motion.

Mr. E. Webster, moved, as an amendment, "That the whole subject of law reporting, without prejudice to the present system, should be taken into consideration by a committee of the whole bar."

The Hon. G. Denman, Q. C., M. P., seconded this amendment, modified thus—"That a committee of members of the bar be appointed to consider the whole subject of law reporting, and to report to another meeting of the bar thereupon."

The amendment was then put and negatived. Another amendment was then proposed by a gentleman in the body of the hall, declaring the present system "liable to objection," instead of affirming that it "required amendment." The meeting evinced some impatience at this proposal, and its mover and seconder were frequently interrupted by cries of "Time."

Mr. Ince said the solicitors were interested in this question as well as the bar. The profession had every reason to be satisfied with the reports. (Oh!) They combined the requisites of accuracy, expedition, and cheapness. It was not essential that they should be single. They were also a useful means of education for law students. (Mr. Ince was repeatedly interrupted by marks of impatience, and the chairman had to interpose to obtain a hearing for him).

The second amendment having been put, and also negatived, the original resolution was carried by a large majority, amid cheers.

Sir H. Cairns, Q. C., M. P., then rose to move the second resolution, namely—"That a committee of members of the bar be appointed to consider the best means of improving the system of preparing, editing, and publishing the reports of judicial proceedings, and to report thereon to a public meeting of the bar."

Mr. Malins, Q. C., M. P., seconded the resolution, without pledging himself to any particular plan.

The second resolution was carried, with scarcely a dissentient voice; and the following committee was then nominated:—

The Solicitor-General.	James Dickinson, Esq.
The Queen's Advocate.	Joshua Williams, Esq.
Sir Fitzroy Kelly, Knt.,	George Sweet, Esq.
Q. C., M. P.	Alexander Pulling, Esq.
W. T. S. Daniel, Q. C.	George Druce, Esq.
Montagu Smith, Q. C., M. P.	G. W. Hastings, Esq.
C. J. Selwyn, Q. C., M. P.	Henry Matthews, Esq.
Sir H. M. Cairns, Knt.,	Nathaniel Lindley, Esq.
Q. C., M. P.	J. B. Quain, Esq.
R. P. Amphlett, Q. C.	Alfred Wills, Esq.
The Hon. G. Denman, Q. C.,	John Westlake, Esq.
M. P.	Francis Vaughan Hawkins, Esq.
George Mellish, Q. C.	

An examination of this list will shew that the committee is composed of twenty-two members of the bar, two of whom, the Solicitor-General and the Queen's Advocate, may be considered as unappropriated to

either the common-law or equity bar, and the rest are distributed as follows: namely, eight Queen's Counsel, four belonging to each bar; nine members of the outer bar, five of which belong to the common law, and four to the equity bar; and three equity draftsmen, two of whom are also conveyancers. The equity element is, we incline to think, too strong here, especially as the list originally proposed consisted of only twenty-one names, to which that of the Hon. G. Denman, a Common-law Queen's Counsel, was added at the meeting. The name of every person connected, however remotely, with any system of reports, regular or irregular, has been judiciously omitted.

### Review.

*A Treatise on the Law of Railways, Railway Companies, and Railway Investments; with an Appendix of Statutes, Forms, &c. By Sir WILLIAM HODGES, Knt., Chief Justice of her Majesty's Supreme Court, Cape of Good Hope. Third Edition, by CHARLES MANLEY SMITH, Esq., of the Inner Temple and Midland Circuit, Barrister-at-Law. [H. Sweet.]*

THROWING out of the question the reports and the statutes, the huge array of our legal library ranges between these two extremes—the pure book of principle, and the annotated edition of statutes. That author is fortunate whose subject-matter allows him to write a book which comes tolerably close to either of these limits; on the one hand, he is enabled to write a clear, logical, and consecutive book; on the other, he is remitted to the comparatively easy task of an industrious compiler; whilst in neither case, if he be competent to his task, does the nature itself of his subject-matter present inherent difficulties to its arrangement. When, however, an author has to deal with a subject which does not permit his book to be near either of the above extremes—in other words, to deal with a subject which involves numerous matters of principle, and is at the same time overlaid with, or in great proportion constituted of, a vast quantity of statutes, arbitrary in their matter and arrangement—then he is presented with inherent difficulties so great as to prevent him in most cases from arranging his matter in a manner entirely satisfactory either to himself or his readers. Any book on the law of railways falls peculiarly within this latter class, and fairly claims for its author a corresponding consideration; and our following remarks we, therefore, offer rather in the spirit of suggestion than criticism.

In the year 1847, Sir William Hodges undertook to supply a public want, and presented us with a work on the law of railways, and he grappled the difficulties of his task with sufficient success to produce a demand for a second edition, which was issued in the year 1854. The scheme which he adopted was the following one:—He first addressed himself to “the statute law applicable to railways, including matters of parliamentary regulation;” under which heading he discussed, first, the formation of railway companies; secondly, the course of proceedings upon railway bills in Parliament; thirdly, the constitution of railway companies, and their powers; fourthly, railway investments; fifthly, the permissive and compulsory powers to take, or injuriously affect, lands to construct a railway, and the parties who may claim compensation, and for what injuries; sixthly, the mode of assessing compensation; seventhly, the investment or payment of purchase money and compensation, and the title to lands purchased; eighthly, the powers and obligations of railway companies to construct and repair the works connected with the railway; ninthly,

the jurisdiction of the Board of Trade over railways; and, tenthly, the obligations and restrictions imposed by statute law on railway companies. He secondly addressed himself to “the rights and liabilities of railway companies as carriers of goods and passengers.” And he lastly added chapters on mandamus, injunction, poor rates, and the dissolution of railway companies, with the rights of allottees to recover deposits; of course appending to his treatise a reprint of the statutes affecting railways.

Under his first heading (which we need hardly point out as being in its terms most inapplicable, and almost unintelligible), it will be seen that the main part, and indeed nearly all, of the law of railways was comprehended. Now, passing by, for the moment, the proceedings previous to the passing of a railway act, the subject is separated, as Sir William Hodges himself points out, into three great divisions by three important statutes, viz. the Companies, Lands, and Railway Clauses Consolidation Acts. These three statutes do not merely affect, but are, in truth, almost the whole of, the law of those “statutory creatures,” railways, on the matters contained under this first heading; and the greater number of the decided cases which have any claim to be under this heading, are cases which depend on, and are, interpretations of clauses in the above statutes. These statutes are, in fact, codes on particular branches of railway law—codes to which are attached the expositions contained in a vast number of decided cases. The consequence of this is, that the statutes themselves are the real text, and when any case arises under these branches, the first and main thing that a lawyer has to do is, to look to one of these statutes for its very words; the second, to see what cases have put an interpretation on the words that happen to be material. This being so, our own notion is, that the only practical way of dealing with this portion of the subject is by means of an annotated edition of these statutes. We thus get rid of a sketchy account of the statutes, which is practically of no use to the lawyer, and we avoid the nuisance of having our statute in one place, our cases in another; and thus we economise space, and study convenience. But it will be said that there are a very considerable number of cases which, though referring to these branches, are not mere interpretations of clauses, but are cases depending on principles of law, which attach to the subject; and it will be asked how we would deal with these on our proposed plan. Our answer is, that these statutes are divided under appropriate headings, and at every heading there might be a small treatise on any principles, and cases which might be appropriate. This, no doubt, is not a very grateful plan to an author ambitious of writing a treatise, and perhaps it requires some courage to adopt this treatment in a work which must also contain chapters written in the ordinary way. To be, however, really appropriate and useful, the treatment of a subject must be varied by its matter, and therefore, although it may at first startle an author's notion of symmetry, let us (to speak in loose and general terms), where a portion of the law is almost all statute, have the statute, and refer to the cases; where it is almost all case law, have the cases, and refer to the statutes. Sir William Hodges adopted, what we confess to be, the usual method, viz. that of having a text composed of parts of the statutes and the cases on them woven together, and that method has entailed the inconveniences we have pointed out. As to the manner in which he has carried it out, the verdict of the public relieves us from any criticism on that point, and with that verdict we are not inclined to quarrel. But whilst we thus pass by that, which is the main portion of the book, we may make a few criticisms on the treatment of the re-

maining and subsidiary parts, as the general verdict in favour of the book does not necessarily involve a complete approbation of them.

We think the second branch of the subject, though good in some particulars, confused and somewhat imperfect, and we especially point out the inconvenience of part of the Railway and Canal Traffic Act being in this branch, and part in a former portion of the work, though the whole of the statute is very applicable in this place.

With respect to the chapters on mandamus and injunction; at first sight, they seem to have no more or less special claim to be inserted than a chapter on action at law or bill in equity; and, perhaps, properly, the matter contained in them should be divided among the different portions of the first branch of the work. They, however, are very useful, and our remark possibly is hypercritical, though we certainly find some matters in the first part which are equally entitled to be here, and not more entitled to be there.

As to the chapter on rating, it is extremely useful, for, in addition to many practical and sensible remarks, all the railway cases are referred to seriatim, and the important parts of the judgments contained in them printed at full length. But the subject is not discussed in the complete and exhaustive way in which it might have been, by reference to the canal, gas, and water cases, and a discussion of their principles. The confusion of the subject is, however, so great, that, perhaps, as much has been done as is advisable.

Our remarks, as will be seen, have had reference entirely to the work, as presented to the public by Sir William Hodges, and have not touched the third edition, which has just been issued by Mr. Manley Smith, and which has been the immediate cause of this review. This has arisen from the nature of the task which he has undertaken. In preparing this edition for the press (as he says in his Preface), he has interfered as little as possible with the original scheme of the author, as the work is already well known, and many persons, who have become used to it, might dislike any change of arrangement. And consequently all remarks addressed to the general scope of the work in no way bear on his labours, which have been confined to the re-issue of the former edition, essentially unaltered, and only modified to the extent rendered necessary by the incorporation of the new statutes and cases. The task, as he truly observes, has been by no means an easy one; and we may be permitted to compliment him on the labour and discrimination which he has brought to bear on it. The object he proposed to himself has been attained, and he has presented us with the original useful work, adapted to the present state of law; excepting in so far as it has been altered by the Railway and Companies Clauses Acts of last session, which were not passed till after the book had been published.

### COURT OF EXCHEQUER.

MICHAELMAS TERM, 27 VICT.—Nov. 25, 1863.

This Court will hold a sitting on Monday, the 7th day of December next, and will at such sitting proceed in giving judgment in matters then standing for judgment.

FREDERICK POLLOCK.  
G. BRAMWELL.  
W. F. CHANNELL.  
G. PIOTT.

The Queen has been pleased to confer the honour of Knighthood upon Robert Porrett Collier, Esq., M. P., her Majesty's Solicitor-General.

### GENERAL ORDERS

FOR REGULATING THE PRACTICE AND PROCEDURE OF THE COUNTY COURTS, UNDER THE BANKRUPTCY ACT, 1861.

In pursuance of the powers vested in us by the nomination of the Lord Chancellor under the provisions of the Bankruptcy Act, 1861, we, John Bury Dasent, Douglas Denon Heath, John Worlledge, Rupert Alfred Kettle, and William Furner, have framed the following General Orders, and do certify the same to the Lord Chancellor accordingly, this 1st day of July 1863.

1. The General Orders now in force in the county courts in matters of bankruptcy, which were framed under the provisions of sect. 46 of the Bankruptcy Act, 1861, and dated the 12th October 1861, shall, on and from the 1st day of January 1864, be rescinded, and in lieu thereof, the following shall on and from such day be the General Orders in force and used in the said courts in matters of bankruptcy.

#### *Sittings of the Court.*

2. The place of sitting of each county court in matters of bankruptcy, shall be the place at which the court now holds, or may hereafter hold, its sittings for the general business of the court, under the provisions of the act 9 & 10 Vict. c. 95, or of any act amending or extending the provisions of the same.

3. The times of the sitting of each county court in matters of bankruptcy, shall be those appointed for the transaction of the general business of the court, unless the judge of any such court shall otherwise order, and shall appoint a special day or days for a sitting of the court in matters of bankruptcy.

#### *Proceedings.*

4. In matters of bankruptcy in the county courts, the proceedings shall be in the several forms set forth in the schedule attached to these Orders, and where forms for any proceeding in such matters are not provided in the schedule, the forms required may be framed, using as guides those so provided.

5. All proceedings in the court (except notices to creditors) shall be written or printed on parchment or paper of the size hitherto used in bankruptcy, that is to say, on sheets of sixteen inches in length and ten inches in breadth; but no objection shall be taken to any proof of debt, affidavit, or letter of attorney on account of its being written or printed on other sized paper.

6. All proceedings shall be sealed with the seal of the court and remain of record in the court, so as to form a complete record of each bankruptcy, and they shall not be removed for any purpose, except for the use of the officers of the court, or by special direction of the judge or registrar. No minute book need therefore be kept.

7. All office copies of petitions, proceedings, books, papers, and writings, or any parts thereof, provided for any bankrupt, or for any debtor or creditor of a bankrupt, or attorney of any such bankrupt, debtor or creditor, shall be charged and paid for at the rate directed by the 53rd section of the Bankrupt Law Consolidation Act, 1849, with respect to the office copies therein mentioned; and such copies shall be made by the registrar forthwith after application for the same.

8. In lieu of attaching a copy of the London Gazette to the proceedings in each bankruptcy or other matter, the registrar shall make a memorandum of the advertisement in the London Gazette, and of the date thereof, with proper reference to the file to facilitate search; and one copy of every London Gazette and of each local newspaper in which any notice in any

matter of bankruptcy in such court is inserted shall be handed by the high bailiff to the registrar, who shall file the same.

9. No affidavit shall be filed unless it is properly intitled in the court, and matter in which the same is to be used; and after an affidavit is left with a registrar to be filed, it is not to be delivered to any person whatever, except by order of the Court.

10. All notices and other proceedings, for the delivery of which no special mode is prescribed, shall be sent by prepaid post letter to the last known address of the person to be served therewith.

*Registrar to sit in Chambers.*

11. The following matters shall, unless the Court shall in any case otherwise direct or allow, be heard and disposed of by the registrar in chambers; that is to say,—

Private examinations under sect. 58 of the Bankruptcy Act, 1861.

Petitions for adjudication of bankruptcy and granting protection.

Making orders under either sects. 40 or 124 of the Bankruptcy Law Consolidation Act, 1849, or sect. 137 of the Bankruptcy Act, 1861.

Presiding at first, or any other meeting of creditors. Swearing affidavits.

Giving requisite directions for notices and advertisements, &c.

Auditing and passing accounts of assignees.

Proceedings for declaration and payment of dividends.

Confirming and giving certificate of appointment of a creditor's assignee, under sect. 123 of the Bankruptcy Act, 1861."

Any of the following matters, when uncontested, whether before or after the appointment of a creditors' assignee:—

Admitting, expunging, or reducing proofs or claims; ordering payment of rates, taxes, salary or wages, or sum in respect of apprentice fee; ordering amendments, or inspection of copies or extracts, of any proceedings; and taking mortgagee's accounts, and giving leave to mortgagee to bid.

*Proceedings up to First Meeting.*

12. Every petition for adjudication of bankruptcy shall be written or printed on parchment or paper, and shall be in the form set forth in the schedule, and, except so far as may be necessary to adapt the printed form to the circumstances of the particular case, no alterations, interlinations, or erasures shall be permitted without the leave of the court, or a registrar thereof, and every such petition shall be attested by the solicitor to the bankrupt.

13. Upon every such petition the registrar, or in his absence his clerk, shall note the precise time of the filing of such petition.

14. Before adjudication of bankruptcy upon any petition, the petitioner shall state on oath, by affidavit, that the several allegations in the petition are true.

15. No adjudication shall be made on the petition of a debtor for adjudication of bankruptcy against himself in the absence of the petitioner, unless the petitioner is in custody, or the registrar shall by special order dispense with his attendance.

16. After adjudication, the court or registrar shall without any application by the bankrupt, appoint a sitting for the bankrupt to surrender and conform, such sitting to be also a public meeting of creditors, for such proceedings as may be taken under the 109th, 110th, and 116th sections of the Bankruptcy Act, 1861, and such adjudication and meeting shall be

advertised in the London Gazette, and one local newspaper only, within seven days after the date of adjudication. The adjudication must be dated of the day on which it is made.

17. The solicitor presenting the petition shall provide and fill up three forms of adjudication, one to be delivered to the bankrupt, one to be filed in court, and the third for transmission to the chief registrar by the registrar of the court.

18. In the adjudication to be made upon a petition, the court or registrar shall grant the bankrupt protection from arrest; and shall indorse thereon a notice to the bankrupt of the time and place of holding the sitting at which he is to surrender and conform as aforesaid; and the registrar shall deliver to the bankrupt a duplicate of the adjudication, and shall make on the adjudication to be filed, a note that he has so delivered the duplicate of the adjudication to the bankrupt. Provided that where the petitioner is not present, the duplicate of the adjudication shall be served on the bankrupt by the high bailiff.

19. Where adjudication of bankruptcy is made against a debtor on his own petition, or against a debtor in gaol without petition, the first meeting of creditors shall be holden within twenty-one days from the day of such adjudication, unless for some special reason it is desirable that it should be held at a greater interval of time from such day.

20. Forthwith after adjudication, the bankrupt shall be required to sign the declaration that he will make true answer to all questions, under sect. 211 of the Bankruptcy Act, 1861 and no further declaration need be signed; but the bankrupt may have administered to him a viva voce oath on any subsequent examination.

21. The statement required to be filed in court under sect. 93 of the Bankruptcy Act, 1861, by every debtor petitioning for adjudication of bankruptcy against himself, and verified by the oath of the petitioner, shall be so filed in duplicate, and verified by affidavit by such debtor, within three days after filing his petition, and shall be in the form specified in the schedule to these Orders annexed; and if such statement be not so filed and verified, the adjudication shall be annulled, unless the court or registrar shall be of opinion that it will be for the benefit of the creditors that it should not be annulled, and thereupon further time for the filing of the statement may be allowed.

22. That every petitioner shall deliver with the statement of his debts, under sect. 93 of the Bankruptcy Act, 1861, an account in writing, in the form set forth in the schedule, signed by the petitioner, of all his books of account and vouchers, and of the names and residences of his debtors, and the amount of their debts, and of all his real and personal estate and effects (including money) then in his possession or control, or in the possession or control of any other person by his authority, or in trust for him, and the place or places where the same then are believed to be, and whether the same are liable for rent or any other charge, and to whom, by name, and the particulars of the demand, in order that such property may be duly ascertained and given up to the registrar or high bailiff, and that the said account shall be signed and delivered in duplicate, and shall be called the "Estate Paper." The bankrupt shall at the same time deliver to the registrar, his books of account and vouchers.

23. Forthwith after the filing in court of the statement of a person presenting a petition for adjudication of bankruptcy against himself, in pursuance of sect. 93 of the Bankruptcy Act, 1861, the registrar shall give the duplicate statement to the high bailiff, who shall thereupon transmit by post a notice, in the

form set forth in the schedule, to each creditor named in such statement, who shall be resident within the United Kingdom, informing him of the fact of such petition having been presented, and of the time and place fixed for the first meeting of creditors.

24. The registrar, in performing the duty required of an official assignee by sect. 108 of the Bankruptcy Act, 1861, or in acting under any order made under sect. 40 of the Bankruptcy-law Consolidation Act, 1849, shall act by the high bailiff of the court, who shall, in all respects, but subject to the directions of the Court in any particular case, observe the written directions of the registrar in taking, selling, or retaining possession of the bankrupt's estate, and shall act as his deputy; and after the appointment of the creditors' assignee, the high bailiff shall act under his written instructions in taking, keeping, or discontinuing possession, and at any time that he may be required so to do, by the registrar or creditors' assignee, shall render an account of what he has done.

25. It shall be the duty of the high bailiff to make an inventory of the bankrupt's estate, in cases where such inventory shall be deemed requisite by the registrar. No broker shall be employed for the purpose. Where such inventory has not been made prior to the choice of creditors' assignee, the inventory shall only be made upon an express direction in writing from the creditors' assignee.

26. It shall be the duty of the high bailiff to keep the books lettered "F. and G." in the schedule, and attend at all meetings of the court in matters of bankruptcy; and further, unless it is otherwise by these Orders provided, to serve all orders, summonses, (including summonses to witnesses) and notices, to execute all warrants and processes, to prepare, and cause to be inserted in the London Gazette and newspapers, all advertisements and notices whatsoever, which are to be so inserted; and to do and perform all other things which are required to be done or performed by a messenger of the Court of Bankruptcy.

27. The registrar shall, in all cases, immediately after the filing of the estate paper, apply for the payment of all the debts mentioned therein, and if any of the same are not paid within fourteen days, or a satisfactory arrangement for payment made, he shall make a second application where the debt shall not exceed 10*l.*, and also where it does exceed 10*l.*, if no creditors' assignee have been chosen: and where such two applications are unsuccessful, he may, when sole assignee, by leave of the judge, sue for any debt due to the bankrupt.

28. Where the holding possession of the property of the bankrupt taken possession of under sect. 108 of the Bankruptcy Act, 1861, until the choice of assignees would, in the judgment of the court or registrar, be prejudicial to the bankrupt's estate, then the court or registrar shall order the sale or other disposition of such property.

#### *Pauper Petitions.*

29. A debtor desirous of petitioning for an adjudication of bankruptcy against himself in formâ pauperis, shall petition that county court within the district of which he shall be confined.

30. After the filing of a petition for an adjudication of bankruptcy by a debtor in formâ pauperis, the registrar shall give notice to the execution, and detaining creditors of petitioner in the form in the schedule annexed.

#### *Gaol Adjudications.*

31. The notice of an order for a registrar to attend at a gaol for the examination of prisoners, in pursuance of sect. 101 of the Bankruptcy Act, 1861, required to be given to the gaoler, and to the execution

and detaining creditors of such prisoners, shall be sent by post by the registrar of the court, under cover to their respective solicitors, and such notice shall be in the form set forth in the schedule.

32. On the registrar attending at the gaol, he is to examine, on the day on which he so attends, and so on from day to day, those prisoners named in the gaoler's return, who shall have been in prison fourteen days at least, exclusive of the day on which they were first imprisoned.

33. In acting under sect. 101 of the Bankruptcy Act, 1861, the registrar, if he make adjudication, shall direct the proceedings under the same, to be prosecuted in that court of bankruptcy, or county court, to which the bankrupt could have presented his petition, had he not been in custody.

34. Where an adjudication is made under the 99th or the 101st sections of the Bankruptcy Act, 1861, the bankrupt shall file in the court in which the bankruptcy is to be prosecuted, the statement required by sect. 93 of the said act, and the estate paper required by these Orders, within such time as the court, or registrar, shall direct; and the court, or registrar, may grant the bankrupt protection, from time to time, for such number of days, for the purpose of filing the statement, and the estate paper, as the court or registrar may from time to time think fit to grant.

#### *Transfer of Proceedings.*

35. Where the proceedings in any bankruptcy are transferred from the court in which the petition was filed, under the provisions of the Bankruptcy Act, 1861, to any other court, the registrar of the first court shall send, by post, the duplicate adjudication, and all the other proceedings, to the registrar of the court to which the proceedings are transferred; and the receipt of such proceedings shall be considered to authorise the latter court to continue such proceedings, without any further order for transferring the proceeding, than is contained in the duplicate adjudication.

36. The receipt of the proceedings in any adjudication transferred from one court to another, under the provisions of the Bankruptcy Act, 1861, shall, similarly, be considered to authorise the Court to proceed without further order.

37. These Orders shall apply to all proceedings transferred to a county court either under sects. 88 or 109 of the Bankruptcy Act, 1861.

#### *First and other Meetings of Creditors.*

38. Every creditor may, by letter of attorney, verified by affidavit, according to the form set forth in the schedule hereunto annexed, authorise the registrar or any other person, to represent him at any meeting of creditors, and to vote for him on any question submitted to the creditors at such meeting or on any adjournment thereof, and also in the choice of creditors' assignee, and also at any such meeting or adjourned meeting to accept, on his behalf, of the appointment of creditors' assignee.

39. No creditor shall be considered as "present" or "represented" at any meeting had in the matter of any bankruptcy, or of any other proceeding, until he shall have proved his debt.

40. Where at the first meeting of creditors a resolution is come to under sect. 110 of the Bankruptcy Act, 1861, and no creditors' assignee shall have been appointed at that meeting, the notice of the adjournment of the meeting shall be given by the registrar; but if a creditors' assignee is chosen at such meeting, the notice shall be given by the creditor's assignee.

41. When any resolution shall have been come to for the winding up of a bankrupt's estate, under a deed of arrangement, composition, or otherwise, under the

provisions of sect. 185 of the Bankruptcy Act, 1861, the registrar shall file his report with the proceedings within four days, and the application to be made for confirming the resolution by the bankrupt or any creditor nominated in that behalf at the meeting, shall be made at the next sitting of the court, which shall be held after the meeting at which the resolution was passed.

42. At the first meeting the registrar shall indorse on the duplicate adjudication held by the bankrupt, a notice to the bankrupt of the day, hour, and place on, and at, which he must surrender for the passing of his last examination, and make application for an order of discharge, and also a notice of the statement of accounts he is required to file ten days at least before the day so appointed. The registrar shall renew the bankrupt's protection to the day so appointed, and such protection may be renewed from time to time as the court or registrar shall think fit, until the day on which the order of discharge is to be drawn up.

*Accounts to be filed before last Examination.*

43. The statement of accounts to be filed under sect. 141 of the Bankruptcy Act, 1861, and these Orders, shall be an account shewing all monies received or paid by the bankrupt during the six months preceding the filing of his petition, and of the monies in his possession on the day on which the account commences; and where at any time since the day on which the earliest debt, still unpaid, was contracted, any money or other property whatever has gone away from the bankrupt by gift, sale, assignment, mortgage, distress, execution, or by any payment other than in the ordinary course of trade, or ordinary domestic expenditure, particulars of such transaction, with dates and items, must be given, and such statement must be duly verified on oath, by affidavit, before it is filed, and such account shall be filed in duplicate.

44. The registrar of a county court shall assist a bankrupt in preparing the statement of his accounts by giving him access, at the office of the court, to his books and papers, and by furnishing him with all information necessary to enable him to comply in such statement, with the requirements of the Court.

45. Notice of any sale to be made by auction or tender under the provisions of sect. 137 of the Bankruptcy Act, 1861, shall be given in one local newspaper seven clear days at least before the sale shall be held.

46. Where it appears that the debts of the bankrupt exceed in amount 300*l.*, the bankruptcy shall be proceeded with, if the judge is satisfied that the bankrupt had a reasonable and bona fide belief that such debts did not exceed in amount 300*l.*, but if he shall not be so satisfied the adjudication shall be annulled.

*Last Examination.*

47. Before a bankrupt shall be allowed to pass his last examination, he shall deposit with the registrar of the court the stamped parchment on which the order of discharge, when granted, is to be drawn up, or the sum of 1*l.* 0*s.* 6*d.* for the procuring of the same, and also the necessary sum for the fees and costs of advertising the discharge; and should such discharge not be granted, the stamp or money, as the case may be, shall be returned after the expiration of the thirty days within which the bankrupt may appeal from the decision of the Court, should no appeal be made; and, if an appeal be made, then after the decision of the Court of Appeal shall have been given, should it be against the bankrupt.

*Dividends.*

48. If, after due notice has been given of the calling of a meeting of creditors for the purpose of declaring a dividend, according to the provisions of sect. 174 of

the Bankruptcy Act, 1681, such meeting cannot be held in consequence of no creditor attending at the time and place mentioned in the notice, the creditors' assignee, if one shall have been chosen and be present, and, if not, the registrar, shall then and there declare what part of the net produce of the estate shall be divided amongst the creditors who have proved their debts.

49. The registrar, where no creditors' assignee is appointed, shall, when a dividend has been declared under sect. 174 of the Bankruptcy Act, 1861, pay the dividends in cash or by cheque.

50. Where a creditors' assignee is appointed, the sum which, at the audit, shall be appropriated for the payment of a dividend, shall be forthwith paid over by the creditors' assignee to the registrar, who shall receive the same, enter, account for, and pay out of the same, the dividends to the respective creditors, in the same manner as he would have done if such sum had come to his hands without the intervention of the creditors' assignee.

*Accounts to be kept and examined.*

51. The treasurer of the county court in which any bankrupt's estate shall be administered, shall, at the audits of the accounts of such court, examine the accounts in all matters relating to such estate, and the receipts of the several creditors for any dividend which may have been declared, and shall make a report to the judge of the court, should he consider that there is any matter with which he should be made acquainted.

52. The registrar of every court shall keep the books mentioned, and lettered "A., B., C., D., E., and F." in the schedule, and according to the forms therein given.

53. The registrar shall furnish to the treasurer by the 31st of March in every year, a list of the balances in the estate ledger, standing in such ledger on the 31st of December in the preceding year; and the treasurer shall check the list in such way as he may deem necessary, so as to satisfy himself that the receipts have been duly entered and accounted for in the cash book, and posted into the ledger.

54. The registrar shall enter all the fees received by him in the registrar's fee book, and he shall transmit a summary of such fees to the treasurer within seven days after the 31st of December in each year, for the year ended on that day.

55. The treasurer, in examining these books, shall ascertain that the fees taken are those authorised by General Orders, made under the authority of sect. 45 of the Bankruptcy Act, 1861.

56. The registrar shall pay over to the treasurer, from time to time, as he may be required, the balance of bankruptcy monies in his hands, and shall include the sums so paid over by him to the treasurer in the yearly return directed to be made to the commissioners of audit, of monies paid by him to the treasurer.

57. The treasurer shall ascertain that the charges for the sale of a bankrupt's effects have been rightly made, according to the charges directed to be taken by General Orders, made under the authority of sect. 45 of the Bankruptcy Act, 1861.

*Proof of Separate Debts.*

58. Any separate creditor of any bankrupt shall be at liberty to prove his debt under any adjudication of bankruptcy made against such bankrupt jointly, with any other person or persons. And under every such adjudication, distinct accounts shall be kept of the joint estate, and also of the separate estate or estates of each bankrupt; and the separate estate shall be applied in the first place, in satisfaction of the debts of the separate creditors. And in case there shall be



an overplus of the separate estate, such overplus shall be carried to the account of the joint estate. And in case there shall be an overplus of the joint estate, such overplus shall be carried to the account of the separate estates of each bankrupt, in proportion to the right and interest of each bankrupt in the joint estate. And the cost of taking such accounts, shall be paid out of the joint and separate estates respectively, as the Court shall direct.

#### *Taking Accounts of Property Mortgaged.*

59. Upon application by any person claiming to be a mortgagee of, or to have security over, any part of the bankrupt's estate or effects, real or personal (whether such mortgage or security shall be by deed or otherwise, and whether the same shall be of a legal or equitable nature), the Court shall proceed to inquire whether such person is such mortgagee, or is entitled to such security, and for what consideration, and under what circumstances such mortgage or security shall have been given, and if it shall be found that such person is such mortgagee, or is entitled to such security, and no sufficient objection shall appear to the title of such person to the sum claimed by him, under such mortgage or security, the Court shall then proceed to take an account of the principal, interest, and costs due upon such mortgage or security, and of the rents and profits, or dividends, interest, or other proceeds received by such person, or by any other person by his order, or for his use, in respect of such mortgage or security, in case he shall have been in possession of the property over which the mortgage or security shall extend, or any part thereof; and the Court shall then cause notice to be given in the London Gazette, and in such other of the public papers as it shall think fit, when and where, and by whom, and in what way, the said property, or the interest therein so mortgaged, or over which the security shall so extend, is to be sold, and such sale shall be made accordingly, and the assignees (unless it be otherwise ordered) shall have the conduct of such sale; but it shall not be imperative on any mortgagee to make such application.

60. All proper parties shall join in the conveyance to the purchaser as the Court shall direct.

61. The monies to arise from such sale shall be applied, in the first place, in payment of the costs, charges, and expenses of the assignees, of, and occasioned by, the application to the court; and of, and attending, such sale, and then in payment and satisfaction of what shall be found due to such mortgagee, or person so having security, for principal, interest, and costs; and the surplus of the said monies (if any) shall be paid to the assignees. But in case the monies to arise from such sale shall be insufficient to pay and satisfy what shall be so found due to such mortgagee or person so having security, then he shall be admitted a creditor for such deficiency, and shall receive the dividends thereon rateably with the other creditors, but not so as to disturb any dividend or dividends then already made.

62. For the better making of such inquiry and taking of such account, and for making a title to the purchaser, all parties to the transaction, or persons capable of giving information, may be examined by the Court on oath upon interrogatories, or otherwise, as it shall think fit, and shall produce before the court upon oath, all deeds, papers, and writings in their respective custody or power, relating to the estate or effects of the bankrupt, as the Court shall direct.

#### *Motion.*

63. All applications to the court shall (unless the Court shall in any particular case otherwise direct) be by way of motion, and, if required by the Court,

shall be supported by affidavit; but no order affecting any person other than the applicant, shall be made, unless upon the consent of such person duly shewn to the court, or upon proof that notice of the intended motion has been served upon the person to be affected thereby, four clear days at least before the day named in such notice as the day when the motion is to be made. Provided, however, that the Court may, if it shall think fit, in any case where the person to be affected by the order shall not have been duly served with a notice of the motion, grant a rule calling upon such person to be affected by the motion to shew cause, at a day to be named by the Court in such rule, why an order should not be made as required.

64. Every rule to shew cause shall be served upon the party or parties to be affected thereby, four clear days at the least before the day appointed for shewing cause, by serving the same on the person named in the rule, or by leaving the same at his place of abode or business.

#### *Appeals.*

65. At or before the time of entering an appeal against a decision or order of the Court, the party intending to appeal shall (in every case not otherwise specially provided for) deposit with the registrar such sum, not being less than 10*l.* and not exceeding 40*l.*, as the Court shall direct, to satisfy, so far as the same may extend, any costs that the appellant may be ordered to pay, and in the absence of any directions of the Court as to the amount of deposit, the sum of 20*l.* shall be so deposited. If it shall appear that there are several respondents in separate interests, the Court, if it shall think fit, may order a separate deposit as to every such respondent.

66. At the time of entering an appeal against the judgment of the Court for the allowance of an order of discharge, or for the refusal or the withholding the same, notice thereof in writing, stating the grounds on which the party appeals, shall be left with the registrar, who shall forthwith enter thereon the time and nature of every such appeal, and shall afterwards file such notice.

67. All affidavits to be made in support of petitions of appeal, against the allowance, refusal, or withholding of any bankrupt's order of discharge, shall be filed at the time of the filing of such petition of appeal.

#### *Costs.*

68. Every bill of fees and disbursements, and charges of any solicitor or attorney, messenger, broker, or auctioneer under any petition for adjudication of bankruptcy, shall be delivered to the registrar for taxation five clear days at least before the day appointed for an audit; and in default thereof, if the holding of such audit shall be adjourned by reason of such default, such solicitor, attorney, messenger, broker, or auctioneer shall pay the costs occasioned by the adjournment, and the amount thereof shall be deducted from the amount of such bill; and no money shall be paid out of the estate to any solicitor, attorney, messenger, broker, or auctioneer, on account of any fees or disbursements or charges of any bill, until such bill shall have been taxed; and every such solicitor, attorney, messenger, broker, or auctioneer shall at the time of taxation account to the court or registrar for any sum which he may have received from or for the bankrupt, or from any other person by way of deposit or otherwise, in respect of such fees, disbursements, or charges; and the difference between the amount of the bill as taxed, and the amount of the deposit, shall be paid to, or received out of, the estate by the person with whom such deposit has been made, as the case may be.

69. At the first audit, after payment or retainer out

of the estate of the bankrupt of all monies duly paid, or costs incurred by the official or creditors' assignee, and of all fees and costs of the officials of the court, and afterwards of the per-centage payable to the official assignee in respect of the realisation of the property, the taxed costs and charges of the bankrupt's solicitor acting in the matter of the bankruptcy shall be paid.

70. In case any joint estate of any bankrupts shall be insufficient to pay any costs or charges necessarily incurred in respect of the same, the Court may order such costs to be paid out of the separate estates of such bankrupts, or of one or any of them; or the Court may order the costs necessarily incurred for any separate estate to be paid out of such joint estate, if the said costs were incurred with reasonable probability of benefit to the joint estate.

#### *Stamps.*

71. Every officer of the court who shall receive any document to which a stamp shall be affixed, or upon which a stamp shall be impressed, shall immediately, upon the receipt of such document, deface the stamp thereon, by writing across the stamp the name of the bankrupt; and no such document shall be filed or delivered until the stamp thereon shall have been defaced in manner aforesaid, and it shall be the duty of the party presenting or receiving such document, to see that such defacement has been duly made.

#### *Examination of Bankrupt.*

72. If the court or registrar shall in any case be of opinion that it would be desirable that a person should be appointed to take down the answers of the bankrupt, it shall be competent for the court or registrar to make such an appointment; and every person so appointed shall be considered to be a shorthand writer under sect. 61 of the Bankruptcy Act, 1861, and shall be paid a sum not exceeding one guinea out of the estate, as may be allowed by the court or registrar; and if the estate be insufficient, then the registrar of the court shall pay the same, and such payment shall be treated as a disbursement of the court, and shall be repaid to the registrar by the treasurer at the next audit.

#### *Amendments.*

73. In any proceeding before the court or registrar, the court or registrar may allow any amendments which in the judgment of the court or registrar are not material to the merits of the case, on such terms as may be ordered.

#### *Costs of Printing, &c.*

74. The costs of printing and postages in any matters of bankruptcy in the county courts, and the fee to, and costs of, the gaoler for bringing up a prisoner petitioning in formâ pauperis, or adjudicated bankrupt by a registrar, under sect. 101 of the Bankruptcy Act, 1861, and the cost of all necessary advertisements in the London Gazette and newspapers, in proceedings on an adjudication of a pauper prisoner, whether on petition, or under sect. 101 in prison, shall be defrayed out of the proceeds of the bankrupt's estate, and when such estate is insufficient to pay such costs, the same shall be repaid to the officer incurring the expense by the treasurer of the court.

75. The account books shall be paid for by the treasurer of the court, and also the forms in the schedule numbered 19 to 28, both inclusive, 44, 45, 46, 69, 70, 71, 72, 73, 75, 76, 77, and 81.

#### *Trial for Misdemeanour.*

76. When the Court shall appoint a day for the trial of a bankrupt on a charge of misdemeanour, and the bankrupt shall require a jury for the purpose of

such trial, the registrar shall summon such jury from the list delivered to him by the sheriff, under the 9 & 10 Vict. c. 95; and the proceedings at the trial as to the calling, impannelling, challenging, and swearing the jury shall be in the manner provided for the trial of causes, under the provisions of the 72nd and 73rd sections of the 9 & 10 Vict. c. 95, except that the number of the jury impanelled and sworn shall be twelve.

#### *Remuneration of Managers.*

77. Whenever a manager shall be appointed under sect. 122 of the Bankruptcy Act, 1861, to collect and wind up an estate, the remuneration to be paid out of the estate to such person shall be clearly stated in the appointment; and before any money is paid out of the estate to such person, the charges made by such person shall be taxed by the registrar of the court, in accordance with the terms of the appointment, which shall for such purpose be produced to the registrar, and if the amount or mode of remuneration is not stated in the appointment, no allowance shall be made to such manager.

#### *Short Title.*

78. These Orders may be cited for all purposes as "The County Court Bankruptcy Orders, 1863."

J. B. DASENT.

D. D. HEATH.

J. WORLEDGE.

RUPERT A. KETTLE.

WILLIAM FURNER.

I sanction these Orders. 6th November 1863.  
WESTBURY, C.

#### SCHEDULE.

##### THE BANKRUPTCY ACT, 1861.

##### *List of Forms.*

No. 1. Record of the taking of the oath prescribed by sect. 7 of the Bankruptcy Act, 1861, to be entered in the minute book of each court over which the judge presides.

##### *Cases under 300l.*

2. Petition for adjudication of bankruptcy against himself by a debtor whose debts do not exceed 300l.

3. Notice by a debtor in custody of his intention to petition a county court for adjudication of bankruptcy against himself.

4. Affidavit of truth of allegation in petition.

5. Adjudication where petitioner resided for the longest period of six calendar months in the district of the court which he petitions.

6. Petition for adjudication of bankruptcy against himself by a debtor in custody whose debts do not exceed 300l.

7. Order to bring up a petitioner (prisoner) for adjudication.

8. Adjudication where petitioner is a prisoner.

9. Affidavit of service of adjudication where bankrupt not present at the adjudication.

10. Notice to detaining creditor of bankrupt's intention to apply for discharge from prison under sect. 112 of act of 1849.

11. Affidavit of service of notice.

12. Warrant to bring up bankrupt.

13. Order to release bankrupt out of custody.

##### *Additional Forms where Petition is presented in Formâ Pauperis.*

14. Affidavit of pauper prisoner.

15. Notice to detaining and execution creditors of a prisoner petitioning in formâ pauperis.

16. Examination of a prisoner petitioning in formâ pauperis (sect. 99 of the Bankruptcy Act, 1861).

17. Adjudication against a prisoner petitioning in formâ pauperis.

##### *Prison Cases under Sects. 100 and 101.*

18. Gaoler's return (sect. 100 of the Bankruptcy Act, 1861).

19. Order for registrar to attend gaol.

20. Notice to the gaoler and detaining creditors of the attendance of a registrar to release prisoners.

21. Examination of prisoner under sect. 101 of the Bankruptcy Act, 1861.
22. Adjudication by registrar after examination in gaol.
23. Order of discharge to gaoler by registrar.
24. Certificate of registrar of a county court of the particulars of each case of prisoners examined by him.
- Additional Forms where Prisoner refuses to answer, &c.*
25. Registrar's report of prisoner refusing to answer, &c.
26. Warrant of committal to common gaol.
27. Order of discharge from detention on civil process, that warrant, No. 26, may be executed.
28. Adjudication in bankruptcy under the last preceding order.

#### *Lunatic Prisoners.*

29. Medical certificate.
30. Petition by person appointed to represent a lunatic.
31. Adjudication in the case of a lunatic prisoner.

#### *General Forms in all Cases.*

32. Statement to be filed in court, by debtor petitioning for adjudication against himself, of debts, &c.
33. Estate paper.
34. Order giving further time to file statement under sect. 93 of the Bankruptcy Act, 1861.
35. Declaration to be made by the bankrupt or the bankrupt's wife.
36. Warrant of seizure.
37. Inventory (when required) of what has been seized under warrant.
38. Order to sell before choice of assignees (sect. 40 of the Bankrupt-law Consolidation Act, 1849).
39. Order for sale of goods in reputed ownership.
40. Order for the sale of book debts.
41. Search warrant.
42. Letter to debtor.
43. Second letter to debtor, where first application has not been effectual.
44. Notice to creditor.
45. Messenger's memorandum of service of notice to creditors.
46. Order to Postmaster-General.
47. Declaration of proof of debt by creditor under sect. 144 of the Bankruptcy Act, 1861.
48. Declaration of proof of debt by agent to a body politic or public company under sect. 144 of the Bankruptcy Act, 1861.
49. Affidavit in proof of debt under sect. 146 of the Bankruptcy Act, 1861.
50. Affidavit in proof of debt with or without security.
51. Memorandum of expunging proof of debt.
52. Letter of attorney.
53. Affidavit verifying letter of attorney.
54. Order giving time to surrender on account of illness.
55. Memorandum on first meeting.
56. Choice of assignee.
57. Certificate of appointment of assignee.
58. Allowance to bankrupt.
59. Bailiff's memorandum of possession.
60. Resolution at first meeting under sects. 110 or 185 of the Bankruptcy Act, 1861.
61. Notice to creditors of adjournment of first meeting, under sect. 110 of the Bankruptcy Act, 1861.
62. Affidavit of service of the above notice.
63. Resolution at adjourned meeting under sect. 110 of the Bankruptcy Act, 1861.
64. Statement of accounts to be filed under sect. 141 of the Bankruptcy Act, 1861.
65. Abstract of the statement of accounts to be sent to every creditor who has proved (sect. 142 of the Bankruptcy Act, 1861).
66. Official assignee's report (sect. 143 of the Bankruptcy Act, 1861).
67. Last examination of bankrupt.
68. Order annulling an adjudication.
69. Warrant of committal of bankrupt or other party for unsatisfactorily answering, or for refusing to sign his examination.
70. Warrant against any person disobeying any rule or order of court.
71. Clear statement of charge to be delivered to bankrupt, under sect. 159 of the Bankruptcy Act, 1861.

72. Affidavit of delivery of clear statement (sect. 159 of the Bankruptcy Act, 1861).
73. Appointment of prosecutor.
74. Pleas to clear statement.
75. Conviction of bankrupt of misdemeanour by a judge.
76. Conviction of bankrupt of misdemeanour by verdict.
77. Warrant of committal for misdemeanour.
78. Memorandum of granting of order of discharge.
79. Order of discharge, when granted at last examination.
80. Order of discharge, when granted after last examination.
81. Warrant of commitment under sect. 150 of the Bankruptcy Act, 1861.
82. Admission of debt by debtor of bankrupt.
83. Order for payment of an admitted debt.
84. Audit form and assignees' debtor and creditor account.
85. Resolution of dividend (sect. 174 of the Bankruptcy Act, 1861).
86. List of creditors entitled to dividend.
87. Notice of dividend.
88. Summons to witness.
89. Receipt to debtor of bankrupt.
90. Advertisement of adjudications and first meeting of creditors in London Gazette.
91. Advertisement of sitting for last examination in London Gazette.
92. Advertisement of dividend meeting in London Gazette.
93. Advertisement of order of discharge in London Gazette.
94. Advertisement of first meeting of creditors in newspaper.
95. Advertisement of sitting for last examination in newspaper.
96. Advertisement of order of discharge in newspaper.
97. Advertisement of dividend meeting in newspaper.

#### *Books, &c.*

- A.—Cash book.
- B.—Instalment book.
- C.—Estate ledger.
- D.—List of debts.
- E.—High bailiff's register.
- F.—Registrar's fee book.
- G.—High bailiff's fee book.

### RULES, ORDERS, AND FORMS

FOR REGULATING THE PRACTICE OF THE COUNTY COURTS, 1863.

IN pursuance of the powers vested in us by the act 19 & 20 Vict. c. 108, we, John Bury Daseant, Douglas Denon Heath, John Worledge, Rupert Alfred Kettle, and William Furner, have framed the following Rules, Orders, and Forms, as amendments of, and additions to, the Rules, Orders, and Forms now in use in the county courts, and we do hereby certify the same to the Lord Chancellor accordingly.

J. B. DASEANT.  
D. D. HEATH.  
J. WORLEDGE.  
RUPERT A. KETTLE.  
WILLIAM FURNER.

1. The rules of practice which came into force in all county courts on the 1st January, 1857, and are now in force in such courts, may be cited for all purposes as "The County Court Rules, 1857," and these Rules may be cited for all purposes as "The County Court Rules, 1863."

2. The County Court Rules, 1857, which are numbered respectively 6, 12, 13, 59, 123, and 171, the forms 54 and 55 annexed thereto, and the rules which came into force in all county courts respectively on the 3rd January, 1859, and the 20th February, 1863, shall cease to be used.

#### *Registrar's Duties.*

3. The offices of the county courts may, from time

to time, be closed by special order of the Lord Chancellor on such days as may be mentioned in any such order.

4. The registrar shall keep an office at each place where the court of which he is registrar is holden, and such office shall be kept open every day from ten o'clock in the morning until four o'clock in the afternoon, except on Christmas-day, Good Friday, the day next after Good Friday, or any day appointed by royal proclamation for a public fast, humiliation, or thanksgiving, and except also on Saturdays, on which day the office may be closed at one o'clock in the afternoon; provided, that where Saturday is the market day of the town in which the court is holden, the office shall not be so closed, but may be closed at one o'clock on some other day of the week instead of Saturday, which day shall be fixed upon for such purpose by the judge, and shall not afterwards be changed except by his leave: provided that an office need not be kept open in more than one place within the district of a court, although the court is holden at more than one place within the district, unless the Lord Chancellor shall otherwise order: provided also, that during the days on which in such district the court is held in any place other than in the place where the registrar's office is situate, or on which an office is open at such other place, the office may be closed on such days in the place in which the office is required generally to be kept open.

5. Where a summons is required to be served in a foreign district, the registrar shall transmit the same, and a copy thereof, to the bailiff of the foreign court on the same day as the plaint is entered, with a letter, according to the form annexed to the County Court Rules, 1857, unless the judge of the home court shall order the summons in that particular case to be served by the bailiff of the home court; and if the summons be returned to the registrar by the bailiff of the foreign court, not served, the registrar shall forthwith give notice to the plaintiff of such non-service: provided, that if any delay shall arise in the transmission of the summons to the bailiff of the foreign court, he shall acquaint the treasurer of the foreign court of the fact, and such treasurer shall report the same to the Commissioners of her Majesty's Treasury.

6. Monies to be paid into court under the order of the judge may be so paid, during office hours, on every day on which such office is open.

#### *High Bailiff's Duties.*

7. Where the bailiff of a foreign court does not comply with the requisitions of No. 26 of the County Court Rules, 1857, it shall be the duty of the registrar of the home court to make a note of such neglect to the Commissioners of her Majesty's Treasury.

8. The office of the high bailiff of a county court in which the plaints entered therein shall exceed six thousand in the year, shall be open to the public for the purpose of answering inquiries, giving information, or for any other purpose connected with the duties of the bailiff during the same hours as the office of the registrar of the court is directed by any rule of practice to be kept open.

9. In all cases where a summons cannot be served personally, it shall be left at the residence of the defendant mentioned therein, unless the bailiff shall ascertain that the defendant has removed to some other place within the district; and whenever the bailiff's return of service of such summons shall make it doubtful whether the service will be held sufficient, the high bailiff shall send the plaintiff a notice in the form in the schedule hereunto annexed.

#### *Service of Summons.*

10. No summons, order, or other process or notice,

shall be served on Sunday, Christmas-day, Good Friday, the day next after Good Friday, or any day appointed by royal proclamation for a public fast, humiliation, or thanksgiving, or on any day on which the offices of the courts shall be closed by order of the Lord Chancellor; but such days shall be counted in the computation of the time required by these Rules in respect of such service.

#### *Hearing.*

11. When, at the hearing of any plaint, it shall appear that an action for the same cause is pending in any other court of record, the judge shall order the plaint to be struck out, unless the plaintiff shall undertake to discontinue the action in such other court, before a day to be named, to which the hearing shall be adjourned, and unless before such adjourned hearing such action shall have been discontinued, the plaint shall then be struck out.

#### *Costs.*

12. In all cases where a plaintiff claims more than 20*l.*, and recovers more than 5*l.*, but less than 20*l.*, the scale upon which the costs shall be taxed shall be in the discretion of the court.

13. On the hearing of a judgment summons, where a warrant against the goods has been issued, the costs of such warrant shall not be allowed as against the judgment debtor, unless the judge be satisfied that there was a reasonable cause for issuing the warrant.

14. The costs of a judgment summons shall not be allowed against the judgment debtor, unless some order shall have been made thereon. When an order is made on a judgment summons, the judge may, in his discretion, allow the costs, as against the judgment debtor, of any previous judgment summonses which have not been served through the judgment debtor having evaded service.

#### *Judgment Summons.*

15. When an application is made by a judgment creditor for the issue of a judgment summons, the applicant shall be asked to state the ground or grounds upon which he relies to obtain the committal of the judgment debtor, and after the registrar shall have struck from the form of application for the summons in the schedule hereunto annexed all the grounds therein mentioned, upon which the applicant does not rely, the form shall be handed to the applicant, and he shall be required to read and sign the same; and if the applicant be an agent, the form of the application shall be given to him to obtain the signature of the judgment creditor thereto, which signature shall be witnessed by the agent. Where the ground relied on is not that the judgment debtor has had, since the judgment, the means and ability to satisfy the judgment, then the undertaking in reference to such ground shall be struck out.

16. Every judgment summons shall be issued ten clear days at least before the day on which the judgment debtor is required to appear to it, unless the person entering the summons shall, at the time of issuing it, inform the registrar that the plaintiff will be prepared at the hearing to prove one of the facts mentioned in No. 117 of the County Court Rules, 1857, as grounds for short service.

17. The hearing of judgment summonses may be adjourned from time to time.

#### *Commitment.*

18. When a warrant of commitment for non-payment of money is issued, the defendant may, at any time before his body is delivered into the custody of the gaoler, pay to the bailiff the amount indorsed on the warrant as that on the payment of which he may be discharged; and on receiving such amount the bai-

liff shall discharge the defendant, and shall, within twenty-four hours after receiving such amount, pay over the same to the registrar.

#### *Recovery of Tenements.*

19. Where, on the hearing of a plaint for the recovery of a tenement, any order for the payment of money is made on the defendant, Form 93, annexed to the County Court Rules, 1857, shall be sent to the defendant in the mode prescribed, for the service of ordinary orders of the court.

#### *Notices, &c.*

20. In all cases where anything is required by the rules of practice to be done within a period of twenty-four hours, or within a period of forty-eight hours, no part of Sunday, Christmas-day, Good Friday, the day next after Good Friday, or of any day appointed by royal proclamation for a public fast, humiliation, or thanksgiving, or any day on which the offices of the courts shall be closed by order of the Lord Chancellor, shall be included in the computation of such period.

### SCHEDULE OF FORMS.

#### 1.—*Notice of doubtful Service of Summons.*

No. of plaint.

In the County Court of —, holden at —.  
Between A. B., plaintiff,  
and  
C. D., defendant.

Take notice, that the summons in this cause was served as follows [*here insert the bailiff's return of service, as indorsed on the summons.*] You must therefore be prepared at the hearing to satisfy the judge that the summons has come to the defendant's knowledge.

Dated this — day of —, 18—. —

E. F., High Bailiff.

To the Plaintiff.

#### 2.—*Notice to Plaintiff of Admission of Claim, under Sect. 8 of the 13 & 14 Vict. c. 61.*

(To be substituted for Form 71).

No. of plaint.  
(Seal).

In the County Court of —, holden at —.  
Between A. B., plaintiff,  
and  
C. D., defendant.

I do hereby give you notice, that the defendant has filed a statement confessing and admitting the amount claimed by you [and proposing to pay the same by instalments of —], and that it will not be necessary for you to attend on the day of hearing [unless you object to receive the same by instalments as proposed], but judgment will not be entered unless you shall pay to the registrar, on or before such day, the sum of £—, being the fee for the judgment, or shall remit the said sum to the registrar by post-office order or otherwise.

Dated this — day of —, 18—. —

—, Registrar of the Court.

To the Plaintiff.

Hours of attendance at the office of the registrar [*place of office*] from ten till four, except on [*here insert the day on which the office will be closed*], when the office will be closed at one.

#### 3.—*Notice to Plaintiff, under Sect. 8 of the 13 & 14 Vict. c. 61, of Admission of Part of Claim.*

(To be substituted for Form 72).

No. of plaint.

In the County Court of —, holden at —.  
Between A. B., plaintiff,  
and  
C. D., defendant.

I do hereby give you notice, that the defendant has filed a statement confessing and admitting £—, part of the amount claimed by you [and proposing to pay the same by instalments of £—].

If you consent to accept the amount so admitted [and to the mode of payment by instalments as proposed], it will not be necessary for you to attend on the day of hearing; but judgment will not be entered, unless you shall pay to the registrar on or before such day the sum of £—, being the fee for the judgment, or shall remit the said sum to the registrar by post-office order, or otherwise.

If, however, you do not consent to accept the sum so admitted in satisfaction of your claim, you must be prepared to prove the same.

Dated this — day of —, 18—. —

—, Registrar of the Court.

To the Plaintiff.

Hours of attendance at the office of the registrar [*place of office*], from ten till four, except on [*here insert the day on which the office will be closed*], when the office will be closed at one.

#### 4.—*Application for Judgment Summons.*

No. of plaint.

A. B., plaintiff.

C. D., defendant.

I apply for the issue of a judgment summons against the said defendant, and I state that I rely on the following grounds for obtaining an order of committal of the judgment debtor; that is to say—

That the judgment debtor contracted the said debt under false pretences, or by means of fraud or breach of trust, or without reasonable expectation of being able to pay the same;

That the judgment debtor has made a gift or transfer of part of his property with intent to defraud his creditors;

That the judgment debtor has charged, or removed, or concealed part of his property with intent to defraud his creditors;

That the judgment debtor has had, since the judgment was obtained against him, sufficient means and ability to pay the sums directed to be paid under the judgment;

And I undertake to prove, to the satisfaction of the judge at the hearing, that the judgment debtor has been able since the judgment to pay the amount ordered by the court as it became due.

I am aware that if I do not prove the same accordingly, that I shall have to pay the costs of this summons.

A. B., judgment creditor.

[*To be added where application made by agent.*]

Signed by the said judgment creditor before me,  
C. D., agent to such creditor.]

#### 5.—*Judgment Summons.*

*Pro formâ.*

(To be substituted for Form 54).

In the [*title of court issuing summons*].  
(Seal).

No. of plaint.

No. of judgment summons.

Between A. B., plaintiff,

(Address)

(Description)

and

C. D., defendant,

(*Present address, description, and, if known, place of employment.*)

Whereas the plaintiff obtained a judgment [*or if no judgment has been obtained, or if a fresh order has been obtained upon a judgment, an order*] against you, the above-named defendant, in the County Court of —, holden at —, on the — day of —, 18—, for the payment of £0 18 0 for debt [*or damages*], and £0 2 0 for costs, upon which judgment [*or order*], and the subsequent process issued thereon, the sum of £— is now due: You are therefore hereby summoned to appear personally in this court at [*place where court holden*] on the — day of —, 18—, at the hour of — in the — noon, to be examined by the court touching your estate and effects, and the circumstances under which you contracted the said debt [*or incurred the said damages*], and as to the means and ex-

pectation you then had, and as to the means you still have, of discharging the said debt [or damages], and as to the disposal you may have made of any property.

Dated this — day of —, 186—.

—, Registrar of the Court.

Amount of judgment or order, including costs ..	£1	0	0
Costs of warrant against the goods, if any ..	0	1	6
Costs of previous judgment summonses, hearings, and commitments, if any ..	0	1	3
Costs of this summons ..	0	0	9

£1 3 6

Paid into court .. 0 4 0

Amount unpaid and due on judgment ..	0	10	6
Deduct amount of instalments at 2s. per month, which were not required to have been paid before the date of the summons ..	0	10	0

Amount upon the payment of which no further proceedings can be had until default of payment of next instalment ..	0	9	6
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Hours of attendance at the office of the registrar [place of office] from ten till four, except on [here insert the day on which the office will be closed], when the office will be closed at one.

When issued under the 19 & 20 Vict. c. 108, s. 48, or under Rule 113, insert "Issued by leave of the Judge."

#### 6.—Warrant of Commitment.

(To be substituted for Form 55).

In the [title of court ordering committal.] (Seal).

No. of plaint.

No. of judgment summons.

No. of warrant.

Between A. B., plaintiff,

and

C. D., defendant.

To the high bailiff and others the bailiffs of the said court, and all peace officers within the jurisdiction of the said court, to the governor or keeper of the [prison used by the court.]

Whereas the plaintiff obtained a judgment [or order] against the defendant in the County Court of —, holden at —, on the — day of —, 186—, for the payment of £—, for debt [or damages] and costs, upon which judgment [or order], and the subsequent process issued thereon, the sum of £— was, at the date of the issuing of the summons hereinafter mentioned, and still is due:

And whereas a summons was, at the instance of the plaintiff, duly issued out of this court, by which the defendant was required to appear at this court on the — day of —, 186—, to answer such questions as might be put to him pursuant to sect. 98 of stat. 9 & 10 Vict. c. 95, in relation to such debt [or damages], which summons was proved to this court to have been personally and duly served on the defendant:

And whereas this court, at the hearing of the said summons, ordered that the defendant should be committed to prison for — days, for [as the case may be] refusing to be sworn;

[or, for refusing to answer such questions as aforesaid to the satisfaction of the judge;]

[or, for contracting the said debt under false pretences, or by means of fraud or breach of trust, or without reasonable expectation of being able to pay the same;]

[or, for making a gift or transfer of part of his property with intent to defraud his creditors;]

[or, for having charged, or removed, or concealed part of his property with intent to defraud his creditors;]

[or, for not having satisfied the said judgment and costs, having had sufficient means and ability so to do;]

These are, therefore, to require you, the said high bailiff, bailiffs, and others, to take the defendant, and to deliver him to the governor or keeper of the [prison used by the court], and you, the said governor or keeper, to receive the defendant, and him safely keep in the said prison for — days from

the arrest under this warrant, or until he shall be sooner discharged by due course of law.

Dated this [insert date of order] day of —, 186—.

E. F., Registrar of the Court.

Amount of judgment or order, including costs ..	£1	0	0
Costs of warrant against the goods, if any ..	0	1	6
Costs of previous judgment summonses, hearings, and commitments ..	0	1	3
Costs of last summons and poundage on this warrant ..	0	2	9

£1 5 6

Paid into court .. 0 4 0

Amount unpaid and due on judgment ..	1	1	6
Deduct amount of instalments at 2s. per month, which were not required to have been paid before the date of this warrant ..	0	10	0

Amount upon the payment of which the prisoner is to be discharged ..	0	11	6
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This warrant remains in force one year from the date thereof.

N. B. This form to be applicable to all judgments recovered at the hearing, or by default, or by consent, and to all orders within the jurisdiction of the court.

J. B. DASENT.

D. D. HEATH.

J. WORLEDGE,

RUPERT A. KETTEL.

WILLIAM FURNER.

I approve of these Rules and Forms to come into force on the 1st January, 1864.

WESTBURY, C.

#### BOOKS RECEIVED.

International Commercial Law, being the Principles of Mercantile Law of the following and other Countries—viz. England, Scotland, Ireland, British India, British Colonies,

Austria,	Greece,	Russia,
Belgium,	Hans Towns,	Spain,
Brazil,	Italy,	Sweden,
Buenos Ayres,	Netherlands,	Switzerland,
Denmark,	Norway,	United States.
France,	Portugal,	Wurtemberg.
Germany,	Prussia,	

By Leone Levy, Esq., F.S.A., F.S.S., of Lincoln's-Inn Barrister-at-law, Professor of the Principles and Practice of Commerce in King's College, London, Doctor of Political Economy, Tubingen, &c. Second Edition. —V. & R. Stevens, Sons, & Haynes. 1863.

The Law Magazine and Law Review, or Quarterly Journal of Jurisprudence for November, 1863, being No. 31 of the New Series (and No. 141 of the Law Magazine).—Butterworths. Edinburgh: Clarke, and Bell & Bradfute. Dublin: Hodges, Smith, & Co. Melbourne: George Robertson. Cape Town: Saul, Solomon, & Co.

The Law and Practice of Bankruptcy, with the Statutes and General Orders. By Edward E. Deacon, Esq., of the Inner Temple, Barrister-at-Law. Third Edition. By Albert Gordon Langley, Esq., of Lincoln's Inn, Barrister-at-Law. In Two Vols., 12mo.—Shaw & Sons.

Our Law-reporting System: Cannot its Evils be prevented? By Alexander Pulling, Esq., of the Inner Temple, Barrister-at-Law, Author of "A Treatise on the Laws and Customs of London," &c.—Stevens, Sons, & Haynes.



**A Treatise on the Fishery Laws of the United Kingdom, including the Laws of Angling.** By James Paterson, Esq., M.A., of the Middle Temple, Barrister-at-Law.—Macmillan & Co. 1863.

**Concise Forms of Wills, with Practical Notes: a Popular View of the Statute of Wills, and Suggestions to Persons taking Instructions for and preparing Wills.** By W. Hayes and T. Jarman, Esqrs., of the Middle Temple, Barristers-at-Law; Two of the Six Conveyancing Counsel to the High Court of Chancery. Sixth Edition, containing the Decisions on the Wills Acts, and other Testamentary Matters, in the House of Lords and Privy Council, and in the Equity, Common Law, Ecclesiastical, and Probate Courts, down to the Time of Publication; and many additional Forms. By Thomas S. Badger Eastwood, Esq., M.A., of Trinity Hall, Cambridge, and of Lincoln's Inn, Barrister-at-Law; Reader on the Law of Real Property to the Four Inns of Court. 12mo, pp. 780.—Sweet.

**The Real Property Statutes passed in the Reigns of King William IV and Queen Victoria, including Prescription, Limitation of Actions, Abolition of Fines, &c., Payment of Debts, Wills, Judgments, the Trustee Acts, Leases and Sales of Settled Estates, the Property and Trustees Amendment Acts, and Trustees and Mortgagees Clauses, &c.** With copious Notes of Decided Cases, and Forms of Deeds. Seventh Edition, with many Alterations and Additions. By Leonard Shelford, Esq., of the Middle Temple, Barrister-at-Law. 8vo., pp. 912.—Sweet; Maxwell; and Stevens, Sons, & Haynes.

### Court Papers.

#### EQUITY CAUSE LISTS, AFTER MICHAELMAS TERM, 1863.

\* \* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. C.* Further Consideration—*F. D.* Further Directions—*M.* Motion—*M. D.* Motion for Decree—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*Sp. C.* Special Case—*S. O.* Stand Over—*Sh.* Short.

#### Before the LORD CHANCELLOR and the LORDS JUSTICES.

##### APPEALS.

Sidney v. Wilmer (R., July 8) *L. C.*  
Mortimer v. Picton (R., July 9, part heard) *L. C.*  
Leather Cloth Co. v. American Leather Cloth Co. (W., July 17) *L. C.*  
Bagot v. Bagot (R., July 20) *L. C.*  
Isenberg v. East House Estate Co. (Limited) (R., Nov. 2) *L. C.*

Faulkner v. Llewellyn (K. Nov. 7) *L. C.*  
Chapman v. Bradley (R., Nov. 21)  
Jones v. Gregory (S., Nov. 24)

##### CAUSES.

Baxendale v. West Midland Railway Co. (M D, part heard) *L. C.*  
Thomas v. Walker (M D)  
Beadmore v. Tredwell (M D) *L. C.*

#### Before the Right Hon. the MASTER OF THE ROLLS.

##### CAUSES, &c.

Robson v. Flight (E. to ans.  
Anderson v. Anderson (F C)  
David v. Jones (Cause)  
Hearn v. Caffary (M D)  
Ormerod v. Rostron (F C)  
Gataves v. Flather (M D)  
Att-Gen. v. Daugars (M D)  
Davidson v. Chalmers (M D)  
Fitzwilliams v. Beynon (Cau., to cross-examine witnesses)

Sexton v. Sexton (M D)  
Steel v. Walker (M D)  
Markwell v. Bull (M D)  
Whittick v. Spaeth (M D)  
Greenough v. Shorrocks (M D)  
Spittle v. Hughes (M D)  
Tonks v. Crump (M D)  
Hardy v. Caley (M D)  
Harrison v. Cole (Trial by jury)

Tyler v. Mashiter } (Cau.)  
Edwards v. Mashiter }  
Montagu v. Earl of Sandwich (Cause)  
North-eastern Railway Co. v. Bray (M D)  
Chappell v. Gregory (M D)  
Cook v. Dawson (M D)  
Turner v. Heggin (M D)  
Aylward v. Shrimpton (Cause)  
Braithwaite v. Kearns (M D)  
Peppercombe v. Wilks (M D)  
Pitt v. Thorne (M D)  
Daw v. Terrell (M D)  
Charles v. Gill (Cause)  
Hammond v. Smith (M D)  
Croxon v. Lever (M D)  
Bottomley v. Heginbottom (Cause)  
Gray v. Harrison (M D)  
Yetts v. Palmer (M D)  
Morse v. Martin (M D)  
Terrett v. Gardner (M D)  
Cotterill v. Cobbold (M D)  
Brooke v. Lord Mostyn (Cau.)  
Barker v. Young (M D)  
Brookes v. Boucher (M D)  
Clarkson v. Edge (M D)  
Strand Hotel Co. (Limited) v. Wieland (M D)  
Gill v. Gray (M D)  
Hendrick v. Wood (M D)  
Eyre v. Burmester (Cause)  
Att-Gen. v. Greenhill (M D)  
Brown v. Simpson (M D)

Smith v. Barlow (M D)  
Spence v. Burrow (M D)  
Cooper v. Jenkins (F C)  
Jones v. Wills (M D)  
Duckitt v. Duckitt (F C)  
Hughes v. Williams (F C)  
In re Cowling } (F C, adj.  
Cowling v. Shand } from ch.  
Shaw v. Bosworth (M D)  
Coleman v. Adams (M D)  
Shorting v. Cobbold (M D)  
Bevan v. Morgan (M D)  
Vickery v. Evans (M D)  
Mackintosh v. Stuart (Cau.)  
Waterhouse v. Cheesman (M D)  
Gaby v. Gaby (F C, Summons to vary)  
Arnold v. Taunton (M D)  
Brooke v. Morison (M D)  
Payne v. Caistor (Cause)  
Kingsbury v. Rhodes (M D)  
Edwards v. Jones (M D)  
Cole v. Scott (M D)  
Turner v. Turner (M D)  
Bernard v. Davies (F C)  
Hogg v. Jones (F C)  
Foxwell v. Greatorex (Cause)  
Earl v. Earl (M D)  
Foster v. Foster (M D)  
Quentery v. Quentery (Sp C)  
Gibbon v. Campbell (M D)  
Pegler v. White (M D)  
Thomas v. Sawyer (F C)

#### Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.

##### CAUSES, &c.

Hewett v. Hewett (Old E)  
Green v. Gascayne (F C, part heard)  
Farley v. Turner (F C)  
Lawrence v. Maule (F C, Ptn)  
Sweeting v. Sweeting (M D)  
Hand v. North (F C)  
Shepherd v. Redpath (F C)  
Taylor v. Lee (M D)  
Robins v. Reeve (M D)  
Chadwick v. Chadwick (M D)  
Kelsey v. Read (M D)  
Felkin v. Lord Herbert (M D)  
Braddon v. Kelly (F C)  
Att-Gen. v. Marchant (M D)  
Bowers v. Bowers (M D)

Blasson v. Blasson (M D)  
Edwardes v. Burke (M D)  
Evans v. Evans (Cause)  
Gannon v. Gannon (M D)  
Deakin v. Spittle (Cause)  
Dillon v. Ashwin (M D)  
Bailey v. Bryson (M D)  
Alston v. Orme (M D)  
Hare v. Pryce (M D)  
Bush v. Haleshap (M D)  
Merriman v. Bonney (M D)  
Parker v. Parker (M D)  
Hoare v. Osborne (F C)  
Todd v. Leonard (M D)  
Watson v. Hanbury (F C)

#### Before the Vice-Chancellor Sir JOHN STUART.

##### CAUSES, &c.

Eglin v. Dryden (D)  
Spargo v. Williams (D)  
Thornton v. Ramadan (M D)  
Ancona v. Robinson (M D)  
Staniland v. Seaton (M D)  
Futvoye v. Kennard (M D)  
Futvoye v. Kennard (Cause)  
King v. King (M D, pt heard)  
M'Donald v. Richardson } (F C,  
Richardson v. Martin } M)  
Gates v. Buckland (Cause)  
Farrar v. Farrar (M D)  
Sir H. Seale, Bart., v. Hayne (M D)  
Fisher v. Carter (F C)  
Dennison v. Hoskins (Cause)  
Michell v. Hocking (M D)  
Britten v. Dodd (Cause, pt heard)  
Shaw v. Mitchell (M D)

Trall v. Baring (M D)  
Dickson v. Dickson (M D)  
Arnold v. Burrell (M D)  
Menday v. Cripps (F C)  
Shafto v. Adams (Cause)  
Bellin v. Salmon (Cause)  
Setchfield v. Barnby (F C)  
Skelton v. Arnold (F C)  
Ross v. Dean (F C)  
Jones v. Casson (Cause)  
Copland v. Price (F C)  
Thorpe v. Mattinson (M D)  
Moore v. Browne (F C, M)  
Lowndes v. Norton (M D)  
Howe v. Howell (Cause)  
Woodburne v. Settle (F D)  
Settle v. Burns (F C)  
Roxby v. Sisson (M D)  
Burton v. Griffiths (M D)  
Small v. Taylor (F C)  
Rhodes v. Liscombe (Cause)

Fray v. Drew (Cause)  
 Pearson v. Hofman (F C)  
 Jones v. Chapman (F C)  
 Williamson v. Sanderson (M D)  
 Butler v. James (M D)  
 Margitson v. Hall (F C)  
 Coppard v. Allen (Cause)  
 Locking v. Power (F C)  
 In re Elliot } (F C,  
 Llewellyn v. Ed- } from  
 wards } chamb.)  
 Parkin v. Gummersall (M D)  
 Adams v. Ryan (F C)  
 Elliot v. Ince } (F C)  
 Elliot v. Ince }  
 Baillie v. Baillie (Cause, P C)  
 Secretary of State in Council  
 for India v. Kelson (F C)  
 Macnaghten v. Smith (F C)  
 Goodwin v. Brains (F C, Sums)  
 Brandreth v. Brandreth (F C)  
 Selby v. Bowie (F C)  
 Williams v. Headland (F C)  
 Carew v. Cooper (M D)  
 Merryweather v. Jones (M D)  
 Elliott v. Brown (F C)  
 Guillaumin v. Météau (M D)  
 Spirett v. Willows (Cause)  
 Tennant v. Tennant (Cause)  
 Croxford v. Elliott (F C)  
 Price v. Mulcock (F C)  
 Kimberley v. Kimberley (F C)  
 Adams v. Williams } (F C)  
 Crisp v. Williams }

Silvester v. Silvester (F C)  
 Harris v. James (M D)  
 Hollingsworth v. Heathcote (M D)  
 Johnson v. Stavert (M D)  
 Danby v. Poole (F C)  
 Bortoft v. Wadsworth (F C)  
 In re Dowler } (F C, from  
 Dowler v. Bea- } chambers,  
 man } Summons)  
 Lawless v. Thunder (M D)  
 Toddy v. Searle (M D)  
 Jones v. Powell (M D)  
 Keats v. Hewer (M D)  
 Brooke v. Hickes (M D)  
 Turner v. Roberts (M D)  
 Robertson v. M'Alpine (F C)  
 In re Brooke's Sel- } (Ptn of  
 tlement } right)  
 Petition of R. Hard-  
 ing & ors.  
 Cade v. Newton (F C)  
 Anisley v. Cannan (M D)  
 Pavey v. Pavey (M D)  
 Cross v. Clifford (M D)  
 Ingham v. Ingham (M D)  
 Archer v. Alp (M D)  
 Buchanan v. Percy (M D)  
 Hutchison v. Holmes (M D)  
 Walker v. Kenrick (M D)  
 Dames v. Ward (Cause)  
 Ihler v. Davies (F C, Ptn in  
 Daveson v. Battine)  
 Visct. Arbuthnot v. Arnott  
 (F C)  
 Riches v. Cook (F C).

Clubb v. Harris (F C)  
 Lacey v. Burchnall (Cause)  
 Le Maitre v. Wing (F C)  
 Marriott v. Marriott (F C)  
 Smale v. Torr (M D)  
 Nelson v. Dalton (M D)  
 Earl of Beesborough v. Earl  
 of Coventry (M D)  
 Moses v. Calvert (M D)  
 Rees v. M'Kewan (M D)  
 Lord v. Company of Proprie-  
 tors of the Rochdale Canal  
 (M D)  
 Aldebert v. Leaf (M D)  
 Hubble v. Wyard (M D)  
 Louis v. Louis (Sp C)  
 Sichel v. Raphael (Cause)

Foxen v. Foxen (F C)  
 Chartered Mercantile Bank of  
 India, London, and China  
 v. De Jonge (Cause)  
 Holmes v. Prescott (F C)  
 Jones v. Frewin } (F C)  
 Jones v. Jones }  
 Richardson v. Spark (M D)  
 Langford v. Sampson (M D)  
 Anwyl v. Anwyl (M D)  
 Harries v. Harries (F C)  
 Mostyn v. Mostyn (M D)  
 Pare v. Rolling Stock Co. of  
 Ireland (Limited) (M D)  
 Marshall v. Wilson (M D)  
 Wason v. Bridges (M D)  
 Woodward v. Huggins (M D).

*Before the Vice-Chancellor Sir W. P. WOOD.*

#### CAUSES, &c.

Morgan v. Great Eastern  
 Railway Co. (M D)  
 Clowes v. Garraway (M D)  
 Underhill v. Powell (M D)  
 Carter v. Morgan (M D)  
 Patrick v. Yeatherd (M D)  
 Freeman v. Ellis (M D)  
 Attorney-General v. Sitting-  
 bourne and Sheerness Rail-  
 way Co. (M D)  
 Williams v. Russell (M D)  
 Shadlock v. Horn (Cause,  
 witnesses to be examined)  
 Dec. 7  
 Smith v. Etches (Cause)  
 Curtis v. Platt (M D)  
 Lloyd v. Holford (M D)  
 Parsons v. North (M D)  
 Tompeett v. Harmer (F C)  
 Foster v. Gladstone (M D)  
 Barber v. Hall (M D)  
 Flockton v. Peake (Cause,  
 witnesses to be examined)  
 River Fergus Navigation and  
 Embankment Co. v. Cahill  
 (M D)  
 Merton v. Myers (M D)  
 Owen v. Davies (M D)  
 Att.-Gen. v. Naylor (Cause)  
 Sir F. L. H. Goodricke, Bart.,  
 v. Taylor (M D)  
 Theyer v. Tombs (Cause)  
 Hick v. Hick (M D)  
 Goodwin v. Lee (Cause)  
 Morrall v. Girdlestone (M D)  
 Spurway v. Spurway (F C)  
 Att.-Gen. v. Metropolitan  
 Board of Works (M D)  
 Boyes v. Bedale (F C)  
 Franks v. Heath (F C)

Harbert v. Bate (F C)  
 Pares v. Pares (F C)  
 In re Wetherell } (F C)  
 Smith v. Wetherell }  
 Boddy v. Dolman (F C)  
 Windham v. Guibelei (F C)  
 Elliott v. Hooper (F C)  
 Nield v. Nield (F C)  
 Woodward v. Maraden (Sp C)  
 Beckett v. Field (M D)  
 Cutler v. Cutler (M D)  
 Reeves v. Adams (M D)  
 Woodward v. Boulton (M D)  
 Kitchen v. Humble (Cause)  
 Lowndes v. Garnett & Mosely  
 Railway Co. (M D)  
 Basham v. Rowe (F C, and  
 Summons to vary)  
 Horsfall v. Horsfall (F C, and  
 Summons to vary)  
 Horsfall v. Hulbert (F C)  
 Att.-Gen. v. Boyle (M D)  
 Forder v. Stevens (M D)  
 Lambert v. Rendle (F C)  
 Billing v. Billing (F C)  
 Barnes v. Jennings (M D)  
 Webster v. Webster (M D)  
 Lewin v. Allen (F C)  
 Duke of Buckingham v. Eyre  
 (F C)  
 Sir S. Bignold, Bart., v. Way-  
 man (M D)  
 Pattison v. Turner (M D)  
 Pearce v. Nicholls (M D)  
 Bagehot v. Palmer (M D)  
 Snell v. Lucena (M D)  
 Att.-Gen. of Prince of Wales  
 v. Paull (Cause)  
 Lord Portman v. Gretton (M  
 D)

SYMMONDS, ERASMUS, Manchester, warehouseman, Dec. 7, Manchester.  
 Off. Ass. Hernaman; Sols. Higson & Co., Manchester.—Pet. f. Nov. 24.  
 TAYLOR, JOHN GARNETT, Birmingham, out of business, Dec. 11, Bir-  
 mingham. Off. Ass. Whitmore; Sols. Barlow & Co., Birmingham.  
 —Pet. f. Nov. 23.  
 TATTERSALL, THOMAS, Sawley, Yorkshire, farm labourer, Dec. 8, Clith-  
 throes. Off. Ass. Eastham; Sols. Wheeler & Co., Clithroes.—Pet.  
 f. Nov. 24.  
 TELFORD, EDWARD, Carlisle, Cumberland, auctioneer, Dec. 11, New-  
 castle-upon-Tyne. Off. Ass. Baker; Sols. Watson & Co., Newcastle-  
 upon-Tyne.—Pet. f. Nov. 24.  
 THOMAS, JAMES, Ramsey, Huntingdonshire, Dec. 15, Huntingdon.  
 Off. Ass. Margate; Sols. Thorp & Co., St. Ives.—Pet. f. Nov. 24.  
 THOMPSON, JOHN, Liverpool, marine store dealer, Dec. 8, Liverpool.  
 Off. Ass. Hime; Sol. Cobb, Liverpool.—Pet. f. Nov. 21.  
 TURPIN, EDWIN, Brighton, clerk, Dec. 9, Brighton. Off. Ass. Ever-  
 shed; Sol. Goodman, Brighton.—Pet. f. Nov. 23.  
 WALLIS, WILLIAM, Kingston-upon-Hull, druggist, Dec. 7, Hull. Off.  
 Ass. Phillips; Sol. Summers, Hull.—Pet. f. Nov. 23.  
 WARD, WILLIAM, Norwich, peppermint manufacturer, Dec. 8, Nor-  
 wich. Off. Ass. Palmer; Sol. Sudd, Norwich.—Pet. f. Nov. 24.  
 WATSON, JOHN, Ravenstone, Buckinghamshire, innkeeper, Dec. 11,  
 Newport Pagnel. Off. Ass. Parrott; Sol. White, Northampton.—  
 Pet. f. Nov. 21.  
 WEBB, WALTER, Great Bradley, Suffolk, butcher, Dec. 17, Haverhill.  
 Off. Ass. Jardine; Sol. Salmon, Bury St. Edmunds.—Pet. f. Nov. 19.  
 WHITE, GEORGE, Matlock-bank, Derbyshire, tailor, Dec. 1, Derby. Off.  
 Ass. Weller; Sol. Leech, Derby.—Pet. f. Nov. 10.  
 WIGLEY, THOMAS, Derby, baker, Dec. 8, Derby. Off. Ass. Weller;  
 Sol. Leech, Derby.—Pet. f. Nov. 10.  
 WILLET, JOHN, Northwich, Cheshire, druggist, Dec. 9, Northwich.  
 Off. Ass. Cheshire; Sol. Massey, Chester.—Adj. Nov. 16.  
 WILLIAMS, JAMES, Hereford, and Great Malvern, Worcestershire,  
 builder, Dec. 11, Birmingham. Off. Ass. Whitmore; Sols. James  
 & Co., Birmingham.—Pet. f. Nov. 24.  
 WILLIAMSON, JONATHAN, Maryport, Cumberland, innkeeper, Dec. 7,  
 Cockermouth. Off. Ass. Waugh; Sol. Paisson, Whitehaven.—Pet.  
 f. Nov. 18.  
 WILSON, ROBERT, Abingdon, Berkshire, shoe manufacturer, Dec. 10,  
 Abingdon. Off. Ass. Sedgfield; Sol. Beard, 10, Basinghall-street.  
 —Pet. f. Nov. 24.

#### BANKRUPTCY ANNULLED.

OTTLEY, WILLIAM HENRY, Dowgate-hill, City, grocer.

#### PARTNERSHIPS DISSOLVED.

LUMB, R. J.; LUMB, FREDERICK; and LUMB, JOHN HENRY, Wake-  
 field, Yorkshire, attorneys-at-law and solicitors.  
 SQUARRY, COARD W., and WHATMAN, CHARLES MAHN CORNWALLIS,  
 Salisbury, attorneys and solicitors.

**TUESDAY, Dec. 1.**

#### BANKRUPTS.

*To be heard in London.*

ADDIS, JAMES BACON, Oakley-street, Lambeth, edge-tool maker, Dec.  
 15. Off. Ass. Graham; Sols. Marshall & Co., 12, Hatton-garden.—  
 Pet. f. Nov. 23.  
 AGER, GEORGE, Aylsham, Norfolk, agricultural implement maker,  
 Dec. 15. Off. Ass. Edwards; Sols. Miller & Co., Norwich; Sols.  
 & Co., Aldermanbury.—Pet. f. Nov. 12.  
 BENJAMIN, BENJAMIN, Drury-lane, china dealer, Dec. 15. Off. Ass.  
 Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Nov. 23.  
 BROOK, HENRY, Isle of Wight, Hampshire, plumber, Dec. 15. Off.  
 Ass. Stansfeld; Sols. Linklaters & Co., 7, Walbrook.—Pet. f.  
 Nov. 26.  
 CAVE, WILLIAM TULL, Coborn-road, Bow, manager of a rope factory,  
 Dec. 15. Off. Ass. Edwards; Sol. Sorrell, 10, Mark-lane.—Pet. f.  
 Nov. 27.  
 COLE, THOMAS, Park-lane, London, valet, Dec. 15. Off. Ass. Graham;  
 Sol. Aldridge, 46, Moorgate-street.—Adj. Nov. 21.  
 COLEMAN, JAMES, Erith, Kent, sea merchant, Dec. 15. Off. Ass. Gra-  
 ham; Sol. Poole, 50, Bartholomew-close.—Pet. f. Nov. 26.  
 CRABTREE, GEORGE COX, Brunswick-parade, Barnesbury-road, Isling-  
 ton, carpenter, Dec. 15. Off. Ass. Graham; Sol. Pope, Anstis-  
 tian.—Pet. f. Nov. 26.

DAY, FREDERICK, Prospect-row, Woolwich, assistant engineer in her Majesty's Royal Navy, Dec. 22. Off. Ass. Stansfeld; Sols. Wright & Co., 2, Paper-buildings, Temple.—Pet. f. Nov. 27.

DEVONSHIRE, EDWARD KENSINGTON, Ingram-court, Fenchurch-street, ship agent, Dec. 15. Off. Ass. Stansfeld; Sol. Abrahams, 17, Gresham-street.—Pet. f. Nov. 26.

GIBBS, JOHN, High-street, Croydon, bootmaker, Dec. 14. Off. Ass. Stansfeld; Sol. Olive, 47A, Portsmouth-street, Lincoln's-inn-fields.—Pet. f. Nov. 27.

HARDY, JAMES KELITA, Swan-street, Dover-road, and Ivy-place, Co-bourg-road, drysalter, Dec. 22. Off. Ass. Cannan; Sol. Kisch, 8, Lancaster-place, Strand.—Pet. f. Nov. 27.

HEYDOR, GEORGE, Eastbury-terrace, Beaumont-square, Mile-end, and Brick-lane, Spitalfields, confectioner, Dec. 15. Off. Ass. Edwards; Sols. Blakeley & Co., 26, Nicholas-lane.—Pet. f. Nov. 26.

HOLMES, GEORGE, Adam-street East, Portman-square, carpenter, Dec. 15. Off. Ass. Graham; Sol. Hare, 66, Basinghall-street.—Pet. f. Nov. 28.

LANE, GORE OUSELEY, Cheyne-walk, Chelsea, civil engineer, Dec. 14. Off. Ass. Stansfeld; Sol. Pope, 26, Old Broad-street.—Pet. f. Nov. 28.

LAWRENCE, GEORGE, Luton, Bedfordshire, builder, Jan. 4. Off. Ass. Stansfeld; Sol. Simey, 11, Serjeants'-inn, Fleet-street.—Pet. f. Nov. 19.

MARSH, JOHN HENRY PAKENHAM, Southsea, Hampshire, manager of a theatre, Dec. 15. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Nov. 21.

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[For continuation of Gazette, see p. 441.]

## CONTENTS.

London Gazettes.....	446
Leading Article .....	447
Public Examination, Hilary Term, 1864.....	449

## NAMES OF THE CASES REPORTED.

## HOUSE OF LORDS.

By J. T. HOPWOOD, Barrister at Law.

The Greenock Police Trustees v. The Shaws Water Company.—(Local act—Rateable value of property).....	1207
--	------

## PRIVY COUNCIL.

By E. BULLOCK, Barrister at Law.

Re Hills's Patent.—(Letters-patent—Prolongation—Grounds for granting—Merit—Remuneration—Public benefit—Account) .....	1209
---	------

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Ex parte Collinge, re Holdsworth.—(Bankruptcy—Proof by one partner against the separate estate of co-partner) .....	1212
Reeve v. Whitmore—Martin v. Whitmore.—(Deed—Construction of—Assignment—After-acquired chattels—License to seize) .....	1214

## COURT OF APPEAL IN CHANCERY.

By C. MARSHALL, Barrister at Law.

Thompson v. Cartwright.—(Annuity Act—Involvement—Value—Notice—Surety).....	1215
--	------

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Sanderson v. Stoddart.—(Creditors' suit—Insolvent estate—Costs) .....	1216
Wettenhall v. Davis.—(Legatee's suit—Insolvent estate—Costs) .....	1216
Isod v. Isod.—(Power of appointment—Discretion) .....	1216
Re The Maryport and Carlisle Railway Company.—(Railway company—Reinvestment by several companies—Amalgamation of companies—Costs) .....	1217
Re Tillard.—(Taxation—Bill of costs—Lump sum—Explanation—Costs incidental and preparatory to obtaining act of Parliament).....	1217
Roberts v. Edwards.—(Will—Policy of insurance—Bonuses).....	1219
Williams v. Allen.—(Person of unsound mind—Past maintenance—Future undertaking) ....	1219

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Moss v. Syers.—(Practice—Omission to file printed bill).....	1219
--	------

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Gurnell v. Gardner and Others.—(Equitable lien—Assignment by parol—Death of debtor intestate—Action at law—Costs at law and in equity) ..	1220
Ex parte The Rector and Churchwardens of St. James, Garlickhithe, in re The Estate of Wm. Hayward, Deceased, and in re The 23 & 24 Vict. c. 193, The London City Improvement Act, 1847, and the Lands Clauses Consolidation Act, 1845.—(Costs of the purchase and taking of land under Metropolitan Act, 1860—Lands Clauses Consolidation Act, 1845—"Costs according to the act").....	1222
Smith v. Johnson and Wilson.—(Supplementary numbers of the "London Journal"—Copyright—"Parts or portions" of periodical works—5 & 6 Vict. c. 45, s. 18—Republication separately or singly—Injunction granted) .....	1223

## VICE-CHANCELLOR STUART'S COURT—(continued).

In re The Trusts of the Will of Sarah Caroline Wills, Deceased, and in re The Trustee Acts, 1850.—(Petition by married woman for appointment of new trustees—Irrelevant allegations against the husband—Counter allegations—Costs to be paid by next friend) .....	1225
Taylor and Another v. Sparrow.—(Tenant for life—Trustees for sale, on marriage or death—Custody of title deeds).....	1226

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH and J. HOWARD, Barristers at Law.

Knox v. Gye.—(Practice—Amendment—Supplemental bill) .....	1227
Richard Smith and Mary his Wife.—(Pleading—Redemption—Husband and wife—Wife's estate) ..	1228

## COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

Lanyon v. Smith.—(Cost-book mine—Registration of—Winding up—Who to be placed on list of contributories—Liability for debts of original company—20 & 21 Vict. c. 14, s. 20—20 & 21 Vict. c. 60, s. 6).....	1228
Kilshaw v. Jukes and Others.—(Partnership—What constitutes—Joint interest) .....	1231
Prowse v. Loxdale.—(Nonsuit—Second action in respect of same cause—Costs of former action) ..	1236
Williams and Others v. Growcott.—(Minerals—Surface soil—Obligation to fence shafts).....	1237
Ruttinger v. Temple.—(Bastard child—Mother of, dying intestate—Duty of administrator to support child out of the estate).....	1239

## EXCHEQUER CHAMBER.

By H. RUTHERFORD, Barrister at Law.

The Company of Free Fishers of Whitstable v. Gann.—(Anchorage toll—Immemorial right—Grant of soil of the sea by the Crown—Cinqus Ports—Division of manor) .....	1241
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## COURT OF COMMON PLEAS.

By E. BULLOCK, Barrister at Law.

Copley v. Hemingway.—(Costs—Taxation—Trial before sheriff—Higher scale—Lower scale—Practice—Directions to Masters, Hilary Term, 1853—Writ of trial—3 & 4 Will. 4, c. 42, s. 17) ..	1244
Montiflore v. Lloyd.—(Principal and surety—Liability—Change of—Bond—Surrounding circumstances) .....	1245

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Wakley v. Froggatt.—(Equitable plea—License to enter on land—Revocation).....	1248
Flower v. Allen.—(Common-law Procedure Act—Writ of summons—Service of, and leave to proceed without—Scotchman—Sects. 17 and 18) ..	1250

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNST BROWNING, Barrister at Law.

Scott v. Scott.—(New trial—Principles on which it is granted—Evidence of cruelty) .....	1251
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## COURT OF PROBATE.

By DR. MIDDLETON.

The Guardians of the Poor of the Hamlet of Mile-end Old Town v. Findlay and Others.—(Administration—Neat of kin a pauper lunatic—20 & 21 Vict. c. 77, s. 73) .....	1253
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## COURT OF ADMIRALTY.

By W. ERNST BROWNING, Barrister at Law.

Re The Bounties payable in respect of the Seizure of certain Slaves at Sierra Leone.—(Slave trade—Bounties—5 Geo. 4, c. 113, ss. 20, 28, 38—11 Geo. 4 & 1 Will. 4, c. 55, s. 1) .....	1254
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## THE JURIST.

LONDON, DECEMBER 12, 1863.

We noticed in our last number, ante, p. 428, the result of the meeting of the Bar, convened by the

Attorney-General, in consequence of a requisition set on foot by Mr. Daniel, Q. C., and numerous signed by its members, to consider the state of law reporting. Two resolutions were then passed. 1. "That the present system of preparing, editing, and publishing the reports of judicial decisions in this country requires

amendment." 2. "That a committee of members of the Bar be appointed to consider the best means of improving the system of preparing, editing, and publishing the reports of judicial decisions, and to report thereon to a public meeting of the Bar." A committee was appointed accordingly, the names of which are there given.

Looking to the form of these resolutions, and the language held by the different speakers, it would seem that, while there was an almost unanimous feeling in the members that the present state of the reporting system loudly calls for amendment, they were by no means unanimous as to what the amendment should be. One speaker, indeed, Mr. Ince, after laying down that the general public had nothing to do with the question, and that the solicitors were interested in it as well as the Bar, assured the meeting that "the profession had every reason to be satisfied with the present reports; that they combined the requisites of accuracy, expedition, and cheapness, and it was not essential that they should be single." He also said, and this is significant, that they must bear in mind the *interests* which, during the last thirty or forty years, had grown up under the system of competition. The meeting thought very differently, and repeatedly interrupted the speaker with marks of impatience, which we much regret; for however we dissent from the views of Mr. Ince, every shade of opinion is entitled to a fair hearing on such an occasion, and the meeting that refuses to accord it derogates not a little from the moral weight of any decision to which it may come.

The present unfortunate state of things is owing to the operation of a multitude of causes. Many are ready to say that the blame rests altogether with the regular reporters, and we admit that a portion of it is fairly chargeable to that quarter. Some of them have grievously offended by the prolixity of their reports, which are filled with every sort of unnecessary matter—facts and documents set out at needless and embarrassing length, authorities quoted too fully, arguments of counsel needlessly expanded. Others have been dilatory in the publication of their reports, and others have injured themselves and the system by their needless expense. And lastly, the reports of some are prepared with a carelessness, and sometimes even display an amount of inaccuracy, which is utterly inexcusable.

Be, however, the faults of the *regular* reporters what they may, the *irregular* reports have contributed their full share to the present chaos and mischief. Whatever may be said of individuals, the regular reports, *taken as a whole*, are very superior to the irregular ones in point of fullness and accuracy. It would, indeed, be a scandal and absurdity if this were otherwise, when we consider the numerous advantages the former possess, in time to publish their reports, in assistance from the Bench, and general prestige; and their infinitely greater responsibility. It should not be forgotten, that the regular reports are the recognised records, so to speak, of our tribunals, to deliver to the present, and hand down to all future time, the decisions of our judges on matters of law—decisions

which, as is well known, have, in our jurisprudence, the force of law, and are, therefore, of infinitely greater importance than similar decisions in countries which are governed by a written law. Compared with these, the irregular reporters exhibit a want of *sustained* exertion. Individual cases among them will often be found well reported, but these are mixed up with others often far below mediocrity. Independent of more positive errors, one of the vices of this kind of reporting is, that the work is *half* done. The decision of a Court may be given rightly, and perhaps some of the reasons on which it is founded, but the rest are omitted; while some only of the authorities cited are mentioned. This latter is a great vice in a report; because in future cases, if there appears to be a conflict in the authorities, it is matter of the greatest importance to ascertain whether an older case, apparently overruled by a more recent one, was under the notice of the Court by which that case was decided. Nor is this all. Some irregular reports advertise triumphantly the number of cases reported by them; and others, resolved not to be outdone, proceed on the principle of reporting, whether of the least value or not, every case which is reported by a rival. If *number* is the test of excellence, an office copy of the Registrar's or Master's Book is the best of reports, and all others are superfluous. It may, however, be fairly questioned whether, as we noticed on a former occasion (*ante*, p. 160), the undue number of our reporters at the present day, or the excessive number of cases reported by them, is chargeable *solely* to the reporters. We believe that one great source of the evil will be found in the style of discussion now adopted. Lord Coke correctly says (4 Rep. 94 a.), that the party who would have the benefit of precedents must search for them, for the Court will not search for them; and if no precedents, or no sufficient precedents, are adduced, the Court will give judgment according to law and reason. A contrary course seems pursued among us. Cases are rarely discussed on principle, and the efforts of Court and counsel seem directed almost exclusively to finding out some authority, or semblance of authority, bearing on the question; for which purpose the loosest dicta of judges;—dicta which ought never to have been reported, either as being ill considered in themselves, or inconsistent with principle, or, if true, are only so when taken with their context;—are seized on with avidity, and too often form the foundation of decisions. Of course, if counsel choose so to argue, and the bench choose so to decide, it is not for us to complain; but it is unjust to cast blame on the reporters for doing that which they are encouraged, and even incited to do.

This eagerness of modern judges to decide, if possible, every case upon some authority, or semblance of authority, proceeds, we believe, in part at least, from the fact of their being *overworked*. In the early part of the present century there were only twelve judges of the Common-law Courts at Westminster, and although three were added in 1830, the Welsh jurisdiction was then joined to the English, and the population of both countries has immensely increased since that time. What with the regular duties in

open court, and scarcely less important duties at chambers, attendance at the House of Lords and the Central Criminal Court, on the Circuits, both winter and summer, &c., a modern judge has not time to sift every case as it deserves, and is compelled to decide many at a kind of haphazard. We do not say this in any disparagement of those eminent persons, who, indeed, do the best they can under the circumstances—the vice is in the *system*, and in its reformation the remedy must be sought.

What, then, is the remedy for the evils in the reporting system? This we cheerfully leave in the hands of the committee. According to Mr. Daniel, Q. C., and several others, it consists in making reporting a State affair, constituting a set of reporters paid by the State. Some advocates of this plan go so far as to require all reports to be revised by the judges, and prohibit absolutely the citing of any other reports. Mr. Denman, Q. C., M.P., a member of the committee, strenuously denies all this, and prefers a system of free competition. "Judges," he says, "are but men, and there is no greater check upon them than the knowledge that they are watched by the intelligent men who report their decisions, and who are too independent to allow their reports to be tampered or interfered with." And both he and Mr. Malins, Q. C., M.P., broadly intimated, that although there are evils in the existing system, it is difficult, if not impossible, to find an effective remedy. We hope that the labours of the committee will give some practical disproof of this notion. Mr. Edward Webster stated his views to be against creating a monopoly, but declared, that what the country wants is a Minister of Justice, or some other authority, to superintend the reports of case law—a plan which, as appears to us, would create a monopoly of the very worst kind; for we presume, that the cases which have been revised, and declared to be law by the Minister of Justice or his satellites, would be the only authorities permitted to be cited; they would be in the position of the relic of a saint, on the genuineness of which the Church has put her seal, and then woe to those who display skepticism.

The Bar having complained for many years past of the state of the reporting system, has now the means of reforming it. At a meeting called by their head, to which every member was invited, and at which about 500 attended, a committee has been appointed (we may say unanimously, for not a single name proposed was objected to, and one only was added, apparently by general consent) to investigate the whole subject, and suggest a remedy. We hope the occasion will not be lost, and that the committee, avoiding all crude theories and ignes fatui, of which there are many abroad, will produce some plan worthy alike of themselves and the profession from which they derive their powers. Should this opportunity be let slip, it is unlikely that any other will present itself, and the reporting system will pass from the hands of the Bar to receive a more energetic, though, in all probability, less effectual and agreeable reform, at the hands of the Executive or the Legislature.

The Queen has been pleased to direct letters-patent to be passed under the Great Seal granting the dignity of a Knight of the United Kingdom of Great Britain and Ireland unto Gillery Pigott, Esq., one of the Barons of her Majesty's Court of Exchequer.

## PUBLIC EXAMINATION.—HILARY TERM, 1864.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

"As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations; and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

"No students shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

### RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Hilary Term, to which a student of any of the Inns of Court who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Friday, the 1st day of January next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Thursday, the 7th day of January next, and will be continued on the Friday and Saturday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Thursday morning, the 7th January, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Friday morning, the 8th January, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Saturday morning, the 9th January, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Saturday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary, according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

The READER ON CONSTITUTIONAL LAW and LEGAL HISTORY will expect the candidates for honours to be well acquainted with the origin and progress of our Laws and Constitution, as explained in chap. 8, part 3, of Hallam's History of the Middle Ages.

He will expect them to be well acquainted with the chapters in Hallam's Constitutional History which give an account of the reigns of Henry VIII, of Elizabeth, the Stuarts, William III, and Anne; with the State Trials of persons eminent in our history, or remarkable for any other reason, from the accession of James I to the year 1747; with the History of the Law of Treason and the Law of Libel.

All candidates will be required to know the leading events in English History from the Conquest to the Accession of George III; to have an accurate knowledge of the reigns of the Stuart Kings, of Magna Charta, the Petition of Right, the Bill of Rights, the Act of Settlement, and the Toleration Act.

The READER ON EQUITY proposes to examine in the following books:—

1. Haynes's Outlines of Equity; Smith's Manual of Equity Jurisprudence; Hunter's Elementary View of the Proceedings in a Suit in Equity, part 1.

2. The Cases and Notes contained in the 1st volume of White & Tudor's Leading Cases; the Act to further amend the Law of Property and to relieve Trustees, 22 & 23 Vict. c. 35; the Act to further amend the Law of Property, 23 & 24 Vict. c. 38; the Act to give to Trustees, Mortgagees, and others, certain Powers now commonly inserted in Settlements, Mortgages, and Wills, 23 & 24 Vict. c. 145; the Act to regulate the Procedure in the High Court of Chancery and the Court of Chancery of the County Palatine of Lancaster, 25 & 26 Vict. c. 42; the General Orders of the Court of Chancery of the 1st February, 1861, and of the 5th February, 1861 (7 Jur., N. S., part 2, p. 58); Mitford on Pleadings in the Court of Chancery—Introduction, c. 1, ss. 1, 2; c. 1, s. 3 (the first six pages); c. 2, s. 1; c. 2, s. 2, part 1 (the first three pages); c. 2, s. 2, part 2 (the first two pages); c. 2, s. 2, part 3; c. 3.

Candidates for certificates of having passed a satisfactory examination will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

The READER on the LAW of REAL PROPERTY, proposes to examine in the following books and subjects:—

1. Joshua Williams on the Law of Real Property, 6th ed.

2. Legal and Equitable Interests; Josiah W. Smith on Real and Personal Property, pp. 234–287, 2nd ed.

3. Vested and Contingent Bequests; *Stapleton v. Cheales* (Pre. Ch. 317); *Hanson v. Graham* (6 Ves. 239), and the Notes to those Cases; Tudor's Real Property Leading Cases, pp. 724–762, 2nd ed.

4. The Fines and Recoveries Abolition Act, 3 & 4 Will. 4, c. 74, and the Notes to that Act; Shelford's Real Property Statutes, 7th ed.

5. The Nature and Effects of Tenure; Hayes on Conveyancing, vol. 1, c. 1, pp. 1–31, 5th ed.

Candidates for honours or the studentship will be examined in all the foregoing books and subjects; candidates for a certificate in those under heads 1, 2, and 3.

The READER ON CIVIL LAW and JURISPRUDENCE proposes to examine in the following books and subjects:—

1. Justinian's Institutes, book 2, with the Notes of Ortolan or Sandars.

2. Mackeldeii—Systema Juris Romani—Pars Specialis, lib. 1, § 208–327 (pp. 227–338, ed. Lips. 1847).

3. Code Napoleon, art. 516–710, Des Biens et des différentes modifications de la propriété; art. 2219–2281, De la Prescription.

4. Wheaton's Elements of International Law (ed. 1888); part 4, c. 1, Commencement of War, and its immediate effects.

5. Austin, Province of Jurisprudence Defined. Lectures I and II.

Candidates for honours will be examined in the whole of the above subjects; but candidates for a pass certificate will be examined in 1, 4, and 5 only.

The READER ON COMMON LAW proposes to examine in the following books and subjects:—

Candidates for a pass certificate will be examined in—

1. The ordinary Steps and Course of Pleading in an Action.

2. The Law of Contracts, so far as set forth in Broom's Commentaries (2nd ed.), book 2, omitting cc. 4 and 6.

3. Selwyn's Nisi Prius (12th ed.). Titles—"Assault and Battery," "Deceit," "Libel," "Trespass," and "Trove."

4. Archbold's Criminal Pleading, 15th ed. (by Welsby), book 2, part 1, ss. 1–3, "Of Larceny, Embezzlement, and Cheating."

Candidates for the studentship and honours will be examined in 1, 3, and 4, supra, and also in—

5. The under-mentioned cases, with the notes appended to them, contained in Smith's Selection of Leading Cases (last ed.), vol. 2:—*Cutter v. Powell*; *Ehous v. Maue*; *Marriot v. Hampton*; *Pasley v. Freeman*; *Vicars v. Wilcocks*.

6. Broom's Legal Maxims, c. 5 (3rd ed.), "Fundamental Legal Principles;" c. 8, "The Interpretation of Deeds and Written Instruments."

7. Smith's Mercantile Law, 6th ed. (by Dowdeswell), book 1, "Of Mercantile Persons."

# 8. Taylor on Evidence (3rd ed.), part 1, "Nature and Principles of Evidence."

By order of the Council,

WESTBURY, C., Chairman.

Council Chamber, Lincoln's Inn,  
Dec. 7, 1863.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed George Daniel Warner, Gent., of Tonbridge, to be a Commissioner to administer oaths in the High Court of Chancery.

ROBSON, THOMAS, Hartlepool, Durham, ironmonger, Dec. 16, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Hodgson & Co., Hartlepool; Hodge & Co., Newcastle-upon-Tyne.—Pet. f. Dec. 1.

ROLLASON, JOHN, Manchester, metal broker, Dec. 19, Salford. Off. Ass. Hulston; Sol. Horner, Manchester.—Pet. f. Nov. 30.

SALTER, ROBERT, Exeter, licensed victualler, Dec. 18, Exeter. Off. Ass. Hirtzel; Sol. Floud, Exeter.—Pet. f. Dec. 3.

SHAW, JOHN, Chorlton-upon-Medlock, Lancashire, painter, Dec. 24, Manchester. Off. Ass. Kay; Sol. Eltoft, Manchester.—Pet. f. Dec. 1.

SIDNELL, GEORGE, Bradford, Wiltshire, licensed victualler, Dec. 15, Trowbridge. Off. Ass. Webber; Sol. Beaven, Bradford.—Pet. f. Dec. 1.

SNOWDON, JOHN, Boroughbridge, Yorkshire, veterinary surgeon, Dec. 21, Leeds. Off. Ass. Carrick; Sols. Paley, York; Caris & Co., Leeds.—Pet. f. Dec. 2.

STANLEY, WILLIAM, Manchester, barber, Dec. 28, Manchester. Off. Ass. Kay; Sol. Dawson, Manchester.—Pet. f. Nov. 30.

TALBOT, MARY, Walsall, Staffordshire, out of business, Dec. 16, Walsall. Off. Ass. Clarke; Sol. Warrington, Dudley.

TASAKKE, HENRY, Ashton-under-Lyne, Lancashire, out of business, Dec. 24, Ashton-under-Lyne. Off. Ass. Worthington; Sol. Toy, Ashton-under-Lyne.—Pet. f. Dec. 3.

THURLWELL, CHARLES, Lincoln, grocer's assistant, Dec. 21, Lincoln. Off. Ass. Uppley; Sols. Brown & Co., Lincoln.—Pet. f. Nov. 30.

TILSON, JOHN, Cotton Edmunds, Cheshire, farmer, Jan. 3, Chester Castle. Off. Ass. Watson; Sol. Matesy, Chester.—Pet. f. Dec. 1.

TIPTON, GEORGE, Grafton, Herefordshire, innkeeper, Dec. 31, Hereford. Off. Ass. Reynolds; Sol. Averill, Hereford.—Pet. f. Dec. 2.

TWEDDELL, THOMAS, Hartlepool, Durham, clerk, Dec. 16, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Hodgson & Co., Hartlepool; Hodge & Co., Newcastle-upon-Tyne.—Pet. f. Dec. 1.

VEERY, ARTHUR, Gateshead, Durham, machinist, Dec. 15, Newcastle-upon-Tyne. Off. Ass. Baker; Sols. Ingleden & Co., Newcastle-upon-Tyne.—Pet. f. Nov. 30.

WALKER, GEORGE, Little Bookham, near Leatherhead, Surrey, licensed victualler, Dec. 18, Epsom. Off. Ass. White; Sol. Silvester, 18, Great Dover-street, Southwark.—Pet. f. Nov. 27.

WALLIS, THOMAS, Godstone, Surrey, bricklayer, Dec. 18, Reigate. Off. Ass. Hart; Sol. Silvester, 18, Great Dover-street, Southwark.—Pet. f. Nov. 27.

WARNER, GEORGE, Manchester, tailor, Dec. 28, Manchester. Off. Ass. Kay; Sol. Bennett, Manchester.—Pet. f. Nov. 30.

WILLIS, WILLIAM, Kingswingford, Staffordshire, grocer, Dec. 16, Stourbridge. Off. Ass. Harward; Sol. Maltby, Stourbridge.—Pet. f. Dec. 1.

WILSON, ROBERT, Ossett, Yorkshire, cloth manufacturer, Dec. 17, Leeds. Off. Ass. Young; Sol. Harle, Leeds.—Pet. f. Dec. 2.

WITTINGTON, JAMES, Manchester, egg dealer, Dec. 28, Manchester. Off. Ass. Kay; Sol. Alberton, Manchester.—Pet. f. Dec. 1.

WOODALL, JOHN, Dudley, Worcestershire, licensed victualler, Dec. 17, Dudley. Off. Ass. Walker; Sol. Warrington, Dudley.—Pet. f. Dec. 1.

WOLFE, THOMAS, Brinklow, Warwickshire, grocer, Dec. 15, Rugby. Off. Ass. Hubbard; Sol. Smallbone, Coventry.—Pet. f. Dec. 1.

WOODWARD, JOHN ROBERT, Plymouth, Devonshire, shipwright in her Majesty's dockyard, Dec. 15, Exeter. Off. Ass. Daw; Sol. Floud, Exeter.—Pet. f. Nov. 30.

## BANKRUPTCIES ANNULLED.

FURNEAUX, JAMES HOLMES, Devonport, Devonshire, commander in the royal navy.

HOBBS, EDWARD NEWMAN, Ware, Hertfordshire, sour factor.

TUESDAY, Dec. 8.

## BANKRUPTS.

To be heard in London.

BELTON, FRANCIS, Northampton, stonemason, Dec. 22. Off. Ass. Stansfeld; Sols. Shield & Co., Northampton; Kingdon & Co., 3, Lawrence-lane, Chelsea.—Pet. f. Dec. 7.

BRYANT, BENJAMIN, Stradbroke, Suffolk, superintendent registrar of births, Dec. 22. Off. Ass. Graham; Sol. Crowdy, 17, Serjeants'-inn.—Pet. f. Dec. 1.

GURER, WILLIAM, Suffolk-place, Lower-road, Islington, out of business, Dec. 22. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 2.

HIGGS, JAMES, Spa-terrace, Spa-road, Bermondsey, and Platform, Rotherhithe, lighterman, Dec. 22. Off. Ass. Graham; Sol. Scott, 52, Guildford-street, Russell-square.—Pet. f. Dec. 3.

HOLLINGWORTH, ALVEN FINCH, Rectory-place, Shackwell, out of business, Jan. 4. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 8.

HOLMAN, ISAAC, Ote, Sussex, baker, Dec. 22. Off. Ass. Edwards; Sols. Sole & Co., Aldermanbury.—Pet. f. Dec. 1.

LAUGHTON, WILLIAM JOHN, Little Trinity-lane, City, bag maker, Dec. 22. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 3.

LOYD, WILLIAM, Burrows-mews, John-street West, Blackfriars-road, butcher's carrier, Jan. 4. Off. Ass. Stansfeld; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 4.

LOW, JAMES, Ebury-street, Fimlico, of no business, Jan. 4. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 5.

MATTHEWS, MARION, Bentick-place, High-street, Portland-town, milliner, Dec. 22. Off. Ass. Graham; Sols. Treherne & Co., 75, Aldermanbury.—Pet. f. Dec. 4.

PAINE, STEPHEN WILLIAM, Chester-street, Kennington-road, grocer, Dec. 19. Off. Ass. Stansfeld; Sol. Wetherfield, 35, Moorgate-street.—Pet. f. Dec. 7.

PALMER, WILLIAM, Lucas-street, Commercial-road, mariner, Dec. 22. Off. Ass. Edwards; Sol. Abbott, 1, St. Mark-street, Great Prescott-street.—Pet. f. Dec. 3.

PILLA, RICHARD, High-street, Camden-town, baker, Dec. 22. Off. Ass. Edwards; Sol. Watson, 14, Bloomsbury-square.—Pet. f. Dec. 3.

TAYLER, EDWIN MILLS, Mark-lane, City, wine merchant, Dec. 22. Off. Ass. Edwards; Sol. Croft, 12, Mark-lane.—Pet. f. Dec. 5.

TAYLOR, GODFREY, Rochester, Kent, hotel keeper, Dec. 19. Off. Ass. Graham; Sols. Cox & Co., 14, Sise-lane.—Pet. f. Nov. 30.

TUDDENHAM, THOMAS WILLIAM, Boxley, Kent, miller, Dec. 22. Off. Ass. Edwards; Sols. Goodwin, Maidstone; Few & Co., 71, High-street, Southwark.—Pet. f. Dec. 4.

WARREN, WILLIAM HENRY, Mincing-lane, City, and St. Paul's-road, Kennington, clerk to East India brokers, Dec. 22. Off. Ass. Cannan; Sol. Murreough, 18, Warwick-court, Gray's-inn.—Pet. f. Dec. 5.

WITHER, GEORGE, Whittaker-place, Rye-lane, Peckham, and Fish-street-hill, City, commission agent, Dec. 22. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 5.

## To be heard in the Country.

BENNETT, GEORGE, Middleton, near Leeds, blacksmith, Jan. 15, Leeds. Off. Ass. Sangster; Sols. Wainwright & Co., Wakefield.—Pet. f. Dec. 2.

BOWEN, GEORGE, Leeds, pork butcher, Dec. 23, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Nov. 30.

BREWSTER, ALFRED, East Redford, Nottinghamshire, cordwainer, Dec. 22, East Redford. Off. Ass. Newton; Sol. Eam, East Redford.—Pet. f. Nov. 6.

BYRON, HUGH, Saddleworth, Yorkshire, manufacturer, Dec. 21, Manchester. Off. Ass. Hernaman; Sols. Clough, Huddersfield; Sale & Co., Manchester.—Pet. f. Nov. 27.

CARR, WILLIAM, Harraton, Durham, engineman, Dec. 19, Gateshead. Off. Ass. Ingledew; Sol. Briggs, Gateshead.—Pet. f. Dec. 5.

CHAMBERS, WILLIAM KILHAM, Sheffield, painter, Dec. 19, Sheffield. Off. Ass. Wake; Sol. Fennell, Sheffield.—Pet. f. Dec. 5.

CHILTON, ROBERT, Kingswinford, Staffordshire, moulder, Dec. 24, Stourbridge. Off. Ass. Harward; Sol. Collis, Stourbridge.—Pet. f. Dec. 1.

COLLEY, JOHN, Bradford, Yorkshire, warehouseman, Jan. 12, Bradford. Off. Ass. Robinson; Sols. Terry & Co., Bradford.—Pet. f. Dec. 4.

CUCUSOPOLO, CONSTANTINE GIOVANNI, Liverpool, merchant, Jan. 12, Liverpool. Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. Dec. 2.

DAVIS, JAMES, Bristol, lamplighter, Jan. 1, Bristol. Off. Ass. Harley; Sol. Benson, Bristol.—Pet. f. Dec. 5.

DOBSON, JOHN, Lofthouse, near Wakefield, Yorkshire, ropemaker, Dec. 23, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Nov. 30.

DOWLAND, JOHN, Devises, Wiltshire, draper, Dec. 18, Bristol. Off. Ass. Acraman; Sol. Bevan, Bristol.—Pet. f. Dec. 5.

ELLIOTT, THOMAS, Liverpool, out of business, Dec. 16, Liverpool. Off. Ass. Morgan; Sol. Harris, Liverpool.—Pet. f. Dec. 2.

ENGLISH, JOE, Bristol, fishing-tackle dealer, Dec. 18, Bristol. Off. Ass. Miller; Sol. Hill, Bristol.—Pet. f. Dec. 2.

EVANS, THOMAS, Besford, Worcestershire, out of business, Dec. 22, Pershore. Off. Ass. Hudson; Sol. Wilson, Worcester.—Pet. f. Nov. 17.

GRAY, THOMAS, Portsmouth, plumber, Jan. 4, Portsmouth. Off. Ass. the registrar; Sol. Paffard, Portsea.—Pet. f. Dec. 3.

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CAMERON, EDWIN AUGUSTUS, Rose-street, Church-street, Bethnal-green, timber merchant, Dec. 32. Off. Ass. Cannan; Sol. Heathfield, 19, Lincoln's-inn-fields.—Pet. f. Dec. 7.

CARVER, FREDERICK LANGWORTHY, and CARVER, GEORGE SIDNEY, Skinner-street, Snow-hill, hat manufacturers, Dec. 22. Off. Ass. Stansfeld; Sols. Poole & Co., Gray's-inn; Sweet & Co., Bristol.—Pet. f. Dec. 1.

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AKILL, JOSEPH, Beverley, Yorkshire, gunsmith, Dec. 21, Beverley. Off. Ass. Crust; Sol. Summers, Hull.—Pet. f. Dec. 7.

ARANDALL, THOMAS, Leeds, wholesale boot manufacturer, Dec. 22, Leeds. Off. Ass. Carrick; Sols. Lees & Co., Bradford; Maude, and Bond & Co., Leeds.—Pet. f. Dec. 3.

BARNES, WILLIAM, Reading, Berkshire, licensed victualler, Dec. 21, Reading. Off. Ass. Collins; Sol. Smith, Reading.—Pet. f. Dec. 8.

BARTOLOMEW, ANN MARIA, Tonbridge, Kent, saddler, Dec. 24, Maidstone. Off. Ass. Alleyne; Sol. Rogers, Tonbridge.—Pet. f. Nov. 24.

BATTENS, FRANCIS, Liverpool, butcher, Dec. 28, Liverpool. Off. Ass. Hume; Sol. Henry, Liverpool.—Pet. f. Dec. 7.

BLACKWELL, WILLIAM, Northampton, carpenter, Dec. 24, Northampton. Off. Ass. Dennis; Sols. Shield & Co., Northampton.—Pet. f. Dec. 8.

BROOKS, JOSHUA, Hanley, Staffordshire, butcher, Jan. 18, Hanley. Off. Ass. Challiner; Sol. Moxon, Hanley.—Pet. f. Dec. 10.

COTTON, HENRY, Nottingham, box maker, Jan. 27, Nottingham. Off. Ass. Patchitt; Sol. Maples, Nottingham.—Adj. Dec. 8.

DAVIS, RENE, Llandover, Carmarthenshire, cordwainer, Dec. 15, Llandover. Off. Ass. Jones; Sol. Bishop, Brecknock.—Pet. f. Dec. 1.

DRIVER, JOHN, Ossett, Yorkshire, reed maker, Jan. 1, Dewsbury. Off. Ass. Nelson; Sol. Stringer, Ossett.—Pet. f. Dec. 8.

EARNshaw, WILLIAM, Whitby, Yorkshire, tailor, Dec. 22, Leeds. Off. Ass. Carrick; Sols. Walker & Co., Whitby; Payne & Co., Leeds.—Pet. f. Dec. 8.

EYRE, STEPHEN ROBERT, New Brighton, Cheshire, licensed victualler, and Liverpool, architect, Dec. 23, Liverpool. Off. Ass. Morgan; Sol. Pemberton, Liverpool.—Pet. f. Dec. 10.

FINCH, JOSEPH, Wissett, Suffolk, blacksmith, Dec. 29, Halesworth. Off. Ass. Bass; Sol. Read, Halesworth.—Pet. f. Dec. 7.

FINDON, WILLIAM, Birmingham, carpenter, Jan. 18, Birmingham. Off. Ass. Guest; Sol. Parry, Birmingham.—Pet. f. Dec. 4.

FLETCHER, WILLIAM, Bolton, Lancashire, furniture broker, Dec. 23, Bolton. Off. Ass. Holden; Sol. Hinnell, Bolton.—Pet. f. Dec. 7.

FORTBACUE, JOHN EDWARD, Lichfield, butcher, Jan. 4, Birmingham. Off. Ass. Kinneer; Sol. Taylor, Birmingham.—Pet. f. Dec. 9.

FOX, CHARLES, Kingston-upon-Hull, sailmaker, Dec. 23, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Hearfield, Hull.—Pet. f. Dec. 9.

HAGUE, JOSEPH, Rawmarsh, near Rotherham, Yorkshire, farmer, Jan. 4, Rotherham. Off. Ass. Newman; Sol. Binney, Sheffield.—Pet. f. Dec. 7.

HART, EDWARD, Ashford, Kent, out of business, Dec. 23, Ashford. Off. Ass. Dangerfield.—Adj. Nov. 18.

HUNT, JOHN, Loughborough, Leicestershire, joiner, Dec. 23, Loughborough. Off. Ass. Brock; Sol. Deane, Loughborough.—Pet. f. Dec. 7.

KERR, JAMES, Neath, Glamorganshire, licensed victualler, Dec. 24, Bristol. Off. Ass. Miller; Sols. Cuthbertson, Neath; Bevan & Co., Bristol.—Pet. f. Dec. 10.

KIRTON, JOSEPH, Hardwick, near Wellingborough, Northamptonshire, carpenter, Dec. 23, Wellingborough. Off. Ass. Burnham; Sol. Cook, Wellingborough.—Pet. f. Dec. 2.

MARIOTT, WILLIAM, Nottingham, publican, Jan. 12, Nottingham. Off. Ass. Harris; Sol. Maples, Nottingham.—Adj. Dec. 8.

OWEN, DAVID, Llanbadarnfaur, Cardiganshire, farmer, Jan. 15, Aberystwith. Off. Ass. Jenkins; Sol. Rowe, Aberystwith.—Pet. f. Nov. 2.

PEACOCK, THOMAS, Ormesby, Yorkshire, butcher, Dec. 23, Stockton-on-Tees. Off. Ass. Cresby; Sol. Dobson, Middlesbrough.—Pet. f. Dec. 8.

PRESTON, JOHN, Birmingham, out of business, Jan. 18, Birmingham. Off. Ass. Guest; Sol. Beeton, Birmingham.—Pet. f. Dec. 8.

RICHARDSON, GEORGE, Middlesbrough, Yorkshire, butcher, Jan. 11, Tadcaster. Off. Ass. Bickers; Sol. Dobson, Middlesbrough.—Pet. f. Dec. 7.

ROSE, EDWIN GOODLAD, Kingston-upon-Hull, commission agent, Dec. 23, Kingston-upon-Hull. Off. Ass. Carrick; Sols. Bell & Co., Hull.—Pet. f. Dec. 9.

SAUNDERS, SAMUEL, Birmingham, jeweller, Jan. 18, Birmingham. Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. Dec. 9.

SCHAEFFER, WILLIAM CHARLES THEODORE, Bramley, Yorkshire, oil manufacturer, Dec. 24, Leeds. Off. Ass. Young; Sols. North & Co., Leeds.—Pet. f. Dec. 8.

STANFORD, SAMUEL, Wolverhampton, horse dealer, Jan. 4, Birmingham. Off. Ass. Whitmore; Sol. Bartlett, Wolverhampton.—Pet. f. Dec. 9.

TOOR, ELIZA, Leicester, grocer, Dec. 23, Leicester. Off. Ass. Ingram; Sol. Petty, Leicester.—Pet. f. Dec. 8.

TRICKER, PHILIP, Hacheston, Suffolk, coachbuilder, Dec. 24, Woodbridge. Off. Ass. Reeve; Sol. Welton, Woodbridge.—Pet. f. Dec. 8.

TRUBRY, CHARLES WILLIAM, Newport, Monmouthshire, gingerbeer manufacturer, Jan. 6, Newport. Off. Ass. Roberts; Sol. Wilcock, Newport.—Pet. f. Dec. 9.

TURNER, JOHN, Manchester, commission agent, Jan. 8, Manchester. Off. Ass. Pott; Sol. Boots, Manchester.—Pet. f. Dec. 9.

WALTON, THOMAS, Manchester, glass manufacturer, Jan. 14, Manchester. Off. Ass. Pott; Sol. Gardner, Manchester.—Adj. Jan. 16.

WHITE, WILLIAM, Appleby, Derbyshire, grocer, Dec. 23, Ashby-de-la-Zouch. Off. Ass. Dewes; Sol. Dewes, Ashby-de-la-Zouch.—Pet. f. Dec. 9.

## BANKRUPTCY ANNULLED.

BRANDON, JOSIAH, Jernyn-street, Saint James's, wine merchant.

## TUESDAY, Dec. 15.

## BANKRUPTS.

*To be heard in London.*

BATHURST, EDWARD, Cockspur-street, Charing-cross, gentleman, Dec. 29. Off. Ass. Cannan; Sols. Lewis & Co., 10, Ely-place.—Pet. f. Dec. 11.

BODDY, GEORGE, Gray's-inn-lane, out of business, Dec. 29. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 10.

BRIANT, GEORGE HENRY, Guildford, Surrey, clerk, Jan. 8. Off. Ass. Edwards; Sol. Chidley, 25, Old Jewry.—Pet. f. Dec. 11.

BRINK, CHARLES, Kingston-upon-Thames, Surrey, labourer, Jan. 5. Off. Ass. Edwards; Sol. Olive, 47A, Portsmouth-street, Lincoln's-inn-fields.—Pet. f. Dec. 8.

COOMBS, EDWARD, Meopham, near Gravesend, Kent, manager to a farmer, Dec. 29. Off. Ass. Stansfeld; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 12.

COOPER, PHILIP, Ashford, Kent, corn factor, Dec. 29. Off. Ass. Stansfeld; Sols. Duncan & Co., 13, Southampton-street, Bloomsbury; Furley & Co., Ashford.—Pet. f. Dec. 4.

DODDS, JOHN, Cecil-street and Norfolk-street, Strand, and Glasgow, merchant, Dec. 29. Off. Ass. Graham; Sols. George & Co., 3, St. Eusebius-lane.—Pet. f. Dec. 11.

JACKMAN, MARTIN, Broad-street, Bloomsbury, out of business, Dec. 22. Off. Ass. Graham; Sol. Walker, 5, Guildhall-chambers, Basinghall-street.—Pet. f. Dec. 10.

JONES, WILLIAM, Horley, Surrey, brewer's assistant, Dec. 29. Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 11.

[For continuation of Gazette, see p. 458, col. 2.]

## CONTENTS.

London Gazettes.....	454
Leading Article.....	455
Correspondence.....	457
Judicial Reporting.....	457
A Challenge to Draftsmen.....	459
Death of Mr. Justice Wightman.—Appointment of Mr. Serjeant Shee.....	459

## NAMES OF THE CASES REPORTED.

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Floyer v. Bankes.—(16 & 17 Vict. c. 51, s. 17—Jointress—Rent-charge—Succession duty, by whom payable).....	1255
Scholefield v. Lockwood.—(Mortgage by husband and wife—Equity of wife—Tenant for life—Mortgage in possession).....	1258
Burdett v. Hay.—(Practice—Injunction).....	1260

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Walsham v. Stainton.—(Damages—Fraud—Multi-fariousness).....	1261
Sykes v. Sheard.—(Vendor and purchaser—Consent—Death).....	1262

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Absolum v. Gething.—(Friendly societies—Defaulting officer—Priority).....	1263
Downes v. Jennings.—(Husband and wife—Settlement in fraud of marital rights—Delay).....	1264
Leigh v. Birch.—(Pleading—Exceptions to answer).....	1265
Re Blakeley.—(Taxation—Loan of money—Reasonable costs).....	1265
Macleod v. Buchanan.—(Stop-order—Priority).....	1266
Williams v. Williams.—(Heir-at-law—Right to issue—Suppression of will by heir-at-law).....	1267

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

Lane's case.—(Contributory—Purchase of its own shares by company—Previous sanction—General meeting).....	1267
Bridgewater v. De Winton.—(Practice—Exceptions to answer—Bankers—Mortgages).....	1270
Re Mitchell.—(Practice—Adjourned summons—Costs).....	1272

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Yetts v. Hilton and Others.—(Hilton v. Sewell and Others.—(Solicitor and client—Assignment for creditors—Purchase by solicitor—Mortgagee in possession—Bill for redemption—Accounts—Costs to be paid by solicitor to the time of filing answer).....	1273
Woodhams v. The Anglo-Australian and Universal Family Life Insurance Company and Samuel Sturgis.—(Decree against company—Execution—"Due diligence"—Assignment of debt—7 & 8 Vict. c. 110, s. 86—Amalgamation of company and society—Indemnity—"Call" made in winding up society—Execution allowed against shareholder of company who had paid "call").....	1276

## VICE-CHANCELLOR STUART'S COURT—(continued).

Edwards-Wood v. Baldwin.—(Action on bond—Accounts upon both sides—Memorandum—Injunction—Jurisdiction).....	1280
--	------

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INGH and J. HOWARD, Barristers at Law.

Boucicault v. Delafield.—(Dramatic copyright—First representation abroad—7 Vict. c. 12—International Copyright Act—Bankruptcy of plaintiff—Revivor—Judgment).....	1282
---	------

## EXCHEQUER CHAMBER.

By H. RUTHERFORD, Barrister at Law.

Allen v. Smith.—(Innkeeper—Lien on horses of a guest—Livery stables).....	1284
Smith and Another, Assignees, v. Timms and Another.—(Bankruptcy—Assignment of part of a trader's property—Non-assignment of a "substantial portion").....	1285

By C. W. LOVESEY, Barrister at Law.

Trimmer v. Walsh and Another.—(Tithe commutation—Apportionment—Hop-grounds—"Extraordinary charge"—6 & 7 Will. 4, c. 71, s. 42).....	1286
---	------

## COURT OF QUEEN'S BENCH.

By C. W. LOVESEY, Barrister at Law.

Reg. v. The Inhabitants of West Ardsley.—(Pauper—Settlement—Rent and occupation of tenement—6 Geo. 4, c. 57, s. 2).....	1287
Reg. v. Ingham and Another.—(Metropolitan Local Board—Parishes without the metropolis—Rate upon, for special purposes—Metropolis Local Management Act, 1855 (16 & 17 Vict. c. 120, s. 181)).....	1288

## COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

Chowna and Another v. Parrott and Another.—(Attorney and client—Authority to compromise in the absence of express directions).....	1290
Steer v. Crowley and Another.—(Sale of land by auction—Conditions of sale—Abstract of title—Stamp).....	1292

By E. BULLOCK, Barrister at Law.

Henrette, App., Booth, Resp.—(Parliament—Election law—Borough vote—Nature of occupation—Subject of occupation—Part of a house—Severance—2 Will. 4, c. 45, s. 27).....	1293
Caunter, App., Addams, Resp.—(Parliament—Borough vote—Notice of claim—Assistant overseer—Election—Validity—59 Geo. 3, c. 12).....	1295

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

The Attorney-General v. Earl of Sefton.—(Succession Duty Act—Measure of assessment).....	1296
Smith v. Edge.—(Costs—County Court Act—Reference by consent).....	1300

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNEST BROWNING, Barrister at Law.

Ewens v. Tytherleigh, falsely called Ewens.—(Nullity of marriage—Malformation—Delay).....	1301
Hudson v. Hudson.—(Cruelty—Judicial separation).....	1302

## THE JURIST.

LONDON, DECEMBER 19, 1863.

HOWEVER much opinions may differ with regard to the views propounded by Mr. Daniel in his pamphlet on the subject of law reporting, and his speech upon the same subject at the meeting which recently took place in Lincoln's-inn Hall, there can be little doubt that he deserves the gratitude of all interested in the subject, for the manner in which he has brought it

forward, by appealing to the whole body of the Bar as constituting the persons most interested in the solution of the questions which it involves.

The meeting very wisely, we think, referred the whole matter to a committee, for it is obvious, that so large a number of men as those constituting the Bar, holding, as they do, views so widely differing from each other, would never have been able, in the first instance, to arrive at so sound a conclusion as a committee, composed of part of their members. The report of the committee, when it is made, will, we pre-

sume, be subjected to a searching examination at a meeting of the Bar. But we would suggest, that if such meeting is called, the arrangements should, in some respects, differ from those of the last. It should be convened at an earlier hour, and the speeches of members in support of the report should not be drawn out to such great length as to leave no time or opportunity for those who do not agree with it, altogether or in part, fairly to lay before the meeting their objections or criticisms.

The great question before the committee will be, whether reports of cases ought to be considered as merchantable articles, to be produced, sold, and cited in our courts of law and equity (subject only to the restriction of their having attached to them, as a guarantee for their accuracy, the name of a member of the Bar); or whether, at any rate, so far as their citation as authorities in our courts is concerned, the reporting of law cases is to be considered as being the proper subject for a monopoly; whether it be carried on under the sanction of the Bar, or under the sole protection and at the expense of the State.

The evil of having so many series of reports is, we think, admitted by all persons; nor do we think that any persons can doubt that the evil originated with, and was occasioned by, those who are called the authorised reporters. If they had supplied the public and the Profession with the reports of cases within a reasonable time after their decision—if the reports had been themselves accurate and succinct, and supplied to their readers at a moderate price—we should, in all probability, never have had what are termed unauthorised or irregular reports. The great defects of the authorised reports—the neglect of their assumed duties by the authorised reporters—have alone called into existence other reporters, who (whatever may be their faults) have in a great measure supplied the wants occasioned by the defects and negligence of their more expensive and tardy competitors. We have, indeed, heard it suggested, and we think with some apparent show of reason, that the authorised reporters are themselves the sole obstacle to the needful improvements in our system of reporting, and that if they were suppressed, the Profession would at once have all that they want.

Whatever alteration takes place in the system of the authorised reporting, it must be such as will assimilate the authorised to the best of the unauthorised reports. In the latter the reader finds unity of design and management; in the former, nothing but irregularity and confusion; sometimes as many as three series of authorised reports, with many intervening years between them, are coming out at tardy intervals in the same court; sometimes gaps are left never (except from other sources) to be supplied; cases are reported as decided by inferior Courts, but their reversal, either entire or partial (except from other sources), may never appear. Now, all this the authorised reporters by imitating the example of their unauthorised brethren, might have cured—they might, by arrangements among themselves, have appointed proper editors to overlook their labours; they might have been punctual in the performance of their duties; and when they found reporting not sufficiently remunerative, in comparison with the employment of their time in strictly professional pursuits, they might and ought, whenever they found they could not adequately fulfil the duties attached to them, resign their posts in favour of those who could and would do so.

It would, of course, be too strong an act to suppress the authorised reports; but it is said, and said also with great appearance of probability, that if no one

interferes in their favour, either by making the reporters the stipendiaries of the Bar or the Government, they will, should they not entirely alter their system, or rather entire want of system, in the mode we have pointed out, most effectually suppress themselves. It is, in fact, pretty well known, that the circulation of the authorised reports has for some years rapidly decreased, that it is still decreasing, and will decrease.

Whatever resolution, therefore, the committee of the Bar, or the Bar itself, may ultimately arrive at, as to the respective merits and demerits of the authorised and unauthorised reports, it should be borne in mind that the latter were called into existence by the defaults of the former; that they have supplied (with certain improvements which may doubtless be made) models for a complete system of reporting, under adequate and proper revision; that it would be scarcely treating the unauthorised reporters, or the publishers who have embarked their capital in their support, with ordinary fairness, if, in some manner or other, they do not receive compensation, or that interests which have grown up to supply the laches of others, should be forfeited for the benefit of the wrongdoers. If, however, the authorised reports are simply put upon a better footing, whether under the supervision of the Bar or of the Government, but no monopoly is created in their favour, then the other reporters will have no just cause to complain, if, in an equal and open competition, their place is supplied by the authorised reports, and their labours are consequently rendered unnecessary.

With regard to the authorised reports, there are certain resolutions to which we hope the Bar will ultimately arrive, first, that the reporters ought neither to be appointed by, nor to be in any way dependent upon, the judges to whose courts they are attached; their appointment, like that of the judges, should be during good behaviour—their presence in court upon all occasions should be imperative, for it is absurd to suppose that a reporter can make a proper report of cases which he never heard, and for the manufacturing of which he depends solely upon borrowed briefs, arguments picked up second-hand from casual bystanders, or hashed up from other reports, from remarks in the judgments, or invented from a hasty consideration of the cases said to have been, and which, perhaps, may have been, actually cited.

Next, cases should not be thrust into the reports which merely decide what has been decided and reported before, nor where the judge merely decides upon the particular facts of the case, without venturing to ground his judgment upon principle, or to state the reasons upon which it proceeds; and, lastly, the material facts of the case only should be stated, and stated succinctly; and when a judgment is rambling and diffuse, it ought to be cut down to proper dimensions, although it is to be regretted that judicial eloquence is not more frequently restrained within reasonable limits, and that judgments are not on all occasions pronounced with that precision which is essential to preserve the law from confusion—the parent of doubt, discord, and litigation.

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JURIDICAL SOCIETY.—A meeting of this Society took place at its rooms, No. 4, St. Martin's-place, Trafalgar-square, on Monday, the 14th December, the Hon. G. Denman, Q. C., M. P., in the chair; when a paper was read by Mr. F. Worsley, "On the Extent of Civil Remedies for Military Offences, Contracts, and Wrongs." The meeting was addressed on the subject of the paper by the chairman, Mr. Joshua Williams, and Mr. W. W. Kerr.

## Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—People talk, and resolutions are passed, with respect to what is called "the present *system* of reporting;" but this is an error, for there is no such *system*, and it is precisely for the want of a *system* that we are suffering. Now, it becomes a question of great importance, whether this subject is capable of being systematised: let us consider first principles.

Courts of justice are open to all. As the pure judicial stream rightly flows beneath, and challenges, the observation of the world, so judicial decision must lie exposed to report and comment; in one sense, therefore, anybody, whether of sufficient ability or not, is, or may be, a reporter. A priori, therefore, it was to be expected that reports would be multiform, and full or imperfect, in various degrees, according to the capabilities and opportunities of their authors. Nor would this result be a matter of consequence if one decision had no influence over another; but, as one of the elements by which judges arrive at their conclusions is "precedent," we naturally ask from whence authorised precedent is drawn? This is a question more difficult to be answered than is commonly supposed. It is true that there are certain reporters, who are said to be attached to each court, and who enjoy as such, more or less, the benefit of the supervision of the presiding judge as to his decisions; but the facts of each case, which are of no less importance than the judicial decision thereon, have no judicial guarantee, except so far as they are found in the judgment itself; and thus it happens that, in respect of ancient as well as modern reports, the remark of counsel is not uncommon, that a case is better reported in *another* work, and thereupon the report is, with little hesitation, read from *another* work; and if the judge should be of opinion, or perhaps *recollect*, that the so-called unauthorised report is more correct, it is recognised and allowed. What are termed "the irregular reports" are constantly cited in the courts as possessing authority, and the judges take notes of the cases referred to; and as to your own serial, Sir, "THE JURIST," I have for a long period always found it treated on an equal footing with the authorised reports—and deservedly so, for, on the whole, it appears to me, to bear fair comparison with any of them, especially as to cases of the highest importance, which appear to be uniformly reported in your columns with admirable accuracy. It is, doubtless, an unsatisfactory state of things, that a judge should possess a sort of privilege of adopting, or not adopting, a particular report of his own decision, or of that of another judge; but where is a remedy? Nowhere; unless it be thought that judicial decision should be published in a statutory form, by the authority of Parliament, and that, as ignorance of the law is an excuse in no case, the Legislature ought to provide for a statutory record of that important constituent, "precedent."

It may seem to some persons desirable, according to the suggestion of Mr. Joshua Williams, whose name I rejoice to see on the committee, that every word spoken in a court of justice should be recorded, but I must confess that, in my opinion, too much is already taken down. What we want is an authorised *skeleton*, and not a rather corpulent (shall I say *dropsical*?) body of reports. Mr. Daniel's idea of a council for reporting is simply impracticable, and is, moreover, inconsistent with the dignity and perfect independence of the judge. I have a strong objection to *amateur* supervision, by ability however high, of the hard work of a paid staff. Jealousies, we know, are inherent in human nature, and will spring up; let us not afford

them an ampler field, by vesting irresponsible power in any board or council. Division of labour, according to Adam Smith, is the secret of advance, and in no case, as I believe, is this proposition truer than in reference to reporting, in which I think it is a mistake to attempt centralisation.

However, it must be admitted that some more authoritative record of decision is required; but let the judges under whose virtual control reports, authorised or unauthorised, have ever remained, determine this point; or, if they decline, let Parliament enact, that the decisions of the judges, together with the simple facts of the cases, without the arguments of counsel, be reported by an officer of each court, styled "The Public Reporter," with the approval of the judge, monthly; and that from and after the date of the issue of "The Court Reports," no other reports of the cases therein contained should be admissible. This would, at all events, remove the possibility of any conflict of future reports. The existing evil has been of gradual growth; so, I think, must be the cure. It would be presumptuous, if it were possible, to exclude from the consideration of the judge so much that has been already well and wisely recorded, by any invidious act of distinction. What are termed "the authorised reports," if they claim any inherent excellence, might appear in a more desirable form, as "The Court Reports," to which I have referred. Your pages, Sir, might (as I believe would be quite in accordance with your wishes) cease altogether as a volume of reports, and continue, with much less trouble and anxiety to yourself, as a serial exclusively devoted to the discussion of law, and to the consideration of those great legal measures of reform, in which you have always taken the initiative.

The truth seems to me, that we are undertaking a task posterior in order to that which the Lord Chancellor has suggested, and of which I confess I am much enamoured—I mean that of digestion and ultimate codification. Let us, by all means, digest the cases, and begin to codify the law; and before disembarassing ourselves of what may seem redundant in modern reports, throw off altogether that immense mass of obsolete and reversed decision, which now encumbers the shelves of our libraries.

Your obedient servant,  
Rolls Chambers, Chancery-lane, G. L.  
Dec. 16, 1863.

## JUDICIAL REPORTING.

TO THE EDITOR OF "THE JURIST."

SIR,—Having recently laid before the public some observations on the true principles of law reporting, which several members of the legal profession, whose opinion is of weight, have considered to be deserving, at least, of fuller discussion, I am induced to ask the opportunity of bringing them, through your columns, more immediately to the notice of the profession, while adding such explanations as may, perhaps, remove the objections to which they have in some quarters been thought open.

The theory of the present system has this fundamental defect, that it gives us the law as laid down in the courts through an inevitably imperfect channel. The judge decides; but at best he only vaguely states the motives of his judgment in a (usually) extempore speech. The reporter adds a detail of the facts, of the nature of the case, and of the authorities, all of which are necessary to explain the true import and effect of the decision. But not being part and parcel of the judge's mind, the reporter is apt to err in thus interpreting his meaning. He may give facts which



the judge really considered (though he failed to say so) to have no bearing on the case; he may omit others which greatly influenced the judgment. To avoid this last source of error, reporters generally enter into the amplest detail, and vie with each other in minuteness and prolixity of statement, while they shelter themselves from any charge of misrepresenting the judge's opinion by giving his speech verbatim. Hence, as a necessary consequence, our reports are lengthy, diffuse, and discrepant, leading to confusion and uncertainty in the law. So absolute is this rule of their being, that those which are started on the principle of giving only abbreviated notes of the points decided, always, after a year or two, fall into the habit of giving them at the same length as their competitors. And the addition, as is now proposed, of one more series, to be called "the authorised reports," would not obviate the evil, for the authorised reporters would, like their brethren, be liable to err, and consequently would still be exposed to the competition which sometimes corrects errors, but at the cost of always overlaying and obscuring the truth.

The only way, I submit, in which this inherent defect can be remedied is by removing its source. In order to know exactly what a judgment means, we must ask the judge himself to tell us. This is more than his speech at present does, for it is not constructed on any fixed system; it adverts to the case as if the facts were known, and so lays down the law on an undetermined series of facts. But if the judge were required to note—first, the facts which he considers pertinent; secondly, the nature of the suit brought upon them; thirdly, the remedy sought; fourthly, the authorities cited; fifthly, the judgment in law of the court, it is obvious that we should have a perfect report, containing not a word of superfluous matter, while containing everything necessary for the explanation or application of the judgment. No reporter could compete with such a statement, for he could add nothing useful, nor exclude anything as superfluous, and, as a result of this resort to the sound principles of recording the law of the courts, all, save the judges' reports, would come to a natural death.

But it is objected in the first place, that the judges would refuse to do this, and that if they did it, it would be a very great burthen upon them. My answer is, that the judges will not refuse to do what the Legislature enjoins, and that there is precedent for the injunction and the system. A case stated on appeal, or for the opinion of a superior court, by quarter sessions or a revising barrister, is very nearly such a report as I have indicated. In Scotland, the judges, when sitting singly, always append a written note of explanation to their judgments; and, whether sitting singly or as a court, they are required by statute, when facts are proved before them (as in that country juries are often dispensed with), to state articulately in their judgment the pertinent facts which they consider proved. All this works very simply and easily. Nor, evidently, is a judge likely to pass negligently over a duty, the performance of which will fix his reputation among his contemporaries, and with posterity. On the other hand, its performance would not be so burthensome as at first sight might appear, for the judge would, as the case is argued, take down in his note-book the facts and authorities; and a slight revision and methodising of these would form the report, to which a written judgment, terse, succinct, and logical, because written, would form the climax. It need scarcely be observed, that if it appeared that the judges could not overtake this work, relief would be given them by the appointment of one or more additional judges.

In the next place, it has been objected, that judges,

being human, are liable, on reflection, to change their minds, and a little to bend the facts to make them better to support their law. That objection, whatever its weight, applies, however, only to "authorised reports" which the judge may have revised: it does not apply to the system now under consideration; for, under it, the judgment would not be issued until the statement of facts on which it rests is completed: both would be given out together, and neither could afterwards be modified. If the result should be to lead the judges very anxiously to consider the real points of the case, and the law which bears upon them, before they decide, an unquestionable benefit will accrue to the suitors and the public.

It has further been objected by men deserving much respect, that a mere judge's report would exclude much matter useful to the profession, and especially to its younger members. To these gentlemen I would recall the fact, that the plan I propose expressly requires that the shape and nature of the suit shall be stated, as well as the facts on which it rests. This a judge would certainly do briefly, but he would also do it with precision; and, if more is required in order to teach the course of practice, it may be answered, that the student should seek it by personal attendance in the courts, or as a pupil in chambers, rather than by vitiating the record of English law through the operation of a cumbrous and imperfect reporting system.

To make up for any fancied loss of this nature, the profession and the public would reap the following advantages:—The variety of reports, containing a variety of versions of each case and of the law it embodies, would cease; there would be only one report, very much briefer, clearer, and more exact; the law in it would be better considered and better stated; appeals would be less frequent; litigation would be less common; the barrister's pocket would be relieved from a heavy annual tax, and his mind from the labour of consulting a mass of undigested and disputable matter, and from the anxiety of being often unable to advise his clients with any satisfactory degree of certainty.

I will now summarise the practical machinery through which these benefits would be obtained. The Legislature would enact—

First, that every judge in every case heard before him, should take a note of the facts he deems pertinent to the cause, of the nature and object of the suit, of the authorities cited by the respective counsel, and should append thereto his judgment in writing. If several judges sit together, and agree, one statement and judgment should be issued as that of the Court; if they disagree, each should issue his own in so far as discrepant.

Secondly, that such statements and judgments when issued should be handed by the judge, or court, to the registrar or other officer, who shall immediately transmit them to the printer, and proofs shall next day be sent to all the other judges of the same department of the law, by whom they should be perused, and returned to the registrar, with the words "retain" or "cancel" written thereon; these words not expressing any opinion on the soundness of the decision, but only referring to the propriety or otherwise of such a case being recorded. That the registrar should act thereon in accordance with the opinion of the majority, and such cases as are retained should be printed and published every week.

Thirdly, that parties appealing should not be concluded by such statement of the facts, but be at liberty to shew error in it as well as in the law.

Fourthly, that motions and other interlocutory applications should be similarly reported or not, in the discretion of the judge before whom they are made,

with liberty, when the case has been already reported, to refer thereto for the statement of the facts.

I am, Sir, your obedient servant,

J. BOYD KINNEAR.

Lincoln's-inn, Dec. 16, 1863.

### A CHALLENGE TO DRAFTSMEN.

A CORRESPONDENT asks us to give him the form of a condition of a bond for securing the payment of a sum by instalments, and of interest at 6l. per cent. upon any instalment in arrear. We confess our inability to gratify him. Can any of our readers?

### DEATH OF MR. JUSTICE WIGHTMAN.—APPOINTMENT OF MR. SERJEANT SHEE.

WE regret to announce the decease of Mr. Justice Wightman, which took place suddenly, on the 10th inst., at York, where he was holding the winter commission of general gaol delivery. On the previous day his Lordship, who was in his eightieth year, and whose faculties, both physical and mental, did not exhibit the least appearance of decay, conducted the business of the court as usual; but on his servant proceeding to call him the next morning, he was found in a state of insensibility, from which he never roused, and died in a few hours. Mr. Justice Mellor went down to York to finish the business of the court.

The deceased was an example of judicial appointment without the previous honour of a silk gown. He was nearly twenty-three years a judge, having been raised to the bench on the resignation of Mr. Justice Littledale, in the Hilary Vacation of 1841.

This is the fourth instance within the last twenty years of the sudden death of judges on circuit—the other three being, Lord Abinger, in 1844; Mr. Justice Talfourd, in 1854; and Mr. Baron Watson, in 1860. The deaths of Lord Chancellor Campbell, in 1861, of Mr. Justice J. A. Park, in 1838, and of Mr. Justice Vaughan, in 1839, were also sudden, but took place in the metropolis.

William Shee, Esq., Queen's Serjeant, has been appointed one of the justices of the Court of Queen's Bench, in the room of the late Mr. Justice Wightman. This appointment is very remarkable from one circumstance, which will long be remembered, namely, that Mr. Justice Shee is the first Roman Catholic who has sat in England as judge of a superior court since the Revolution of 1688, and indeed since a much earlier period. Until the 10 Geo. 4, c. 7, commonly called the Catholic Emancipation Act, Roman Catholics were excluded from the bench in consequence of certain oaths being required to be taken by all judges, which no person of that persuasion could conscientiously take; that is to say, the declaration against transubstantiation, the invocation of saints, and the sacrifice of the mass. Since that time several Roman Catholics have been appointed to the bench in Ireland, but none in this country; and, indeed, we are aware of none, except, perhaps, Mr. Charles Butler, the well-known editor of *Coke upon Littleton*, who had any claim to it.

Mr. Justice Shee formerly sat in Parliament for his native county, Kilkenny.

**SHERIFF FOR CORNWALL.**—The names of those who have been nominated by the Council of his Royal Highness the Prince of Wales to serve the office of sheriff of Cornwall:—

John Michael Williams, Esq., of Caerhayes Castle.

Thomas Simon Boltho, Esq., of Penalvern.

Day Perry Le Grice, Esq., of Trevelick.

**LAW AMENDMENT SOCIETY.**—A meeting of this Society took place at its rooms, 3, Waterloo-place, Pall-mall, on Monday, the 7th December, Sir Richard Graves M'Donnell in the chair; when a paper was read by Mr. Robert Wilson, on "Transfer of Title to Land." Mr. H. G. Allen read the report of the committee appointed to conclude the negotiations with the Social Science Association for a closer union with that body, on the basis of the draft agreement submitted to the last meeting, and moved that the same be adopted. Mr. Wingfield seconded the motion, which was carried unanimously. It was moved by Mr. Hawes, and seconded by Mr. Wingfield, and carried—"That the thanks of the Society be given to G. W. Hastings, Esq., for the energy and zeal which, during the five years he was its secretary, he displayed in conducting its affairs, promoting its prosperity, and in advancing every measure calculated to promote the amendment of the law, and those great social questions intimately connected therewith." Votes of thanks were also passed to Mr. William Hawes, Mr. Edgar, and Mr. Palmer, for their past services as officers of the Society.

The London Gazette of Friday, the 11th December, contains an Order of the Queen in Council, bearing date the 8th December, 1863, made in pursuance of the powers vested in the Crown by the 26 & 27 Vict. c. 122, directing the following alterations of the Northern, Midland, and Norfolk Circuits of the Judges:—The county of York and the county of the city of York shall be taken away from the Northern Circuit, and annexed to the Midland Circuit; and the counties of Leicester, Rutland, and Northampton shall be taken away from the Midland Circuit, and annexed to the Norfolk Circuit.

By another Order of the Queen in Council, of the same date, made under the same statute, the number of revising barristers on the Northern Circuit is diminished by six; while the number of those on the Midland and Norfolk Circuits is increased by three for each of those circuits.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed Frederick William Denny, Gent., of Hanover-park, Peckham, Camberwell, to be a London Commissioner to administer oaths in the High Court of Chancery.

**COMMISSIONER TO ADMINISTER OATHS IN COMMON LAW.**—Frederick William Denny, Gent., of No. 13, Austin Friars, in the City of London, has been appointed a London Commissioner for administering oaths in Common Law in the Courts of Queen's Bench, Common Pleas, and Exchequer.

MARTIN, WILLIAM, Bront-place, East-street, Walworth, coach broker, Jan. 5. Off. Ass. Edwards; Sol. Pittman, 94, Upper Stamford-street.—Pet. f. Dec. 11.

PAYNTER, WILLIAM, Enfield-road North, Kingsland, commission agent, Dec. 29. Off. Ass. Stansfeld; Sol. Beard, 10, Basinghall-street.—Pet. f. Dec. 10.

PULLER, THOMAS JAMES, Wellington-terrace, Dalston, gentleman, Dec. 29. Off. Ass. Cannan; Sol. Mossop, 1, Ironmonger-lane.—Pet. f. Dec. 11.

ROMER, PETER JACOB, Wenlock-street, Hoxton, and Bush-lane, Cannon-street, City, commission agent, Dec. 29. Off. Ass. Cannan; Sol. Smith, 90, Denbigh-street, Piccadilly.—Pet. f. Dec. 12.

SCHOLEY, PHILIP, Eynsham, Oxfordshire, licensed victualler, Dec. 29. Off. Ass. Cannan; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 10.

SCOTT, JOHN HENRY, Jewin-street, City, commission agent, Dec. 29. Off. Ass. Graham; Sols. Lawrence & Co., 12, Bread-street, Cheap-side.—Pet. f. Dec. 8.

WALKER, THOMAS, and WALKER, ELIZABETH, Goswell-street, timber merchants, Dec. 29. Off. Ass. Cannan; Sols. Venning & Co., 9, Tokenhouse-yard.—Pet. f. Dec. 4.

### To be heard in the Country.

ATTRICK, JOSEPH, Wolverhampton, retail brewer, Jan. 1, Birmingham. Off. Ass. Whitmore; Sols. Allen, Birmingham; Walker, Wolverhampton.—Pet. f. Dec. 9.

BAKER, JOHN, JOSEPH, Bath, Somersetshire, picture dealer, Dec. 29, Bristol. Off. Ass. Acraman; Sol. Brittan, Bristol.—Adj. Dec. 9.

BOWLES, GEORGE, Evercreech, Somersetshire, farmer, Jan. 2, Wells. Off. Ass. Lovell; Sol. Alder, Wells.—Pet. f. Dec. 10.

BLEWITT, WILLIAM, Wrytle Bank, Staffordshire, chartermaster, Dec. 23, Walsall. Off. Ass. Clarke; Sol. Wilkinson, Walsall.

BURNLEY, ABRAHAM, Batley, Yorkshire, out of business, Jan. 22, Dewsbury. Off. Ass. Nelson; Sol. Ibberson, Dewsbury.—Pet. f. Dec. 11.

COX, NATHANIEL, Chester, iron ship builder, Jan. 1, Liverpool. Off. Ass. Turner; Sol. Eddy, Liverpool.—Pet. f. Dec. 5.

EDWARDS, WILLIAM, Swansea, Glamorganshire, haulier, Jan. 6, Swansea. Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Dec. 9.

GABRATT, JEREMIAH, Dudley, Worcestershire, chain maker, Dec. 31, Dudley. Off. Ass. Walker; Sol. Lowe, Dudley.—Pet. f. Dec. 12.

HARGREAVES, ROBERT, and HARGREAVES, JOSEPH, Liverpool, builders, Dec. 28, Liverpool. Off. Ass. Turner; Sols. Midley & Co., Liverpool.—Pet. f. Dec. 9.

HAROLD, HENRY, Sedgley, Staffordshire, out of business, Dec. 31, Dudley. Off. Ass. Walker; Sol. Beaton, Birmingham.—Pet. f. Dec. 11.

HASKAYNE, EDWARD, Liverpool, auctioneer, Dec. 30, Liverpool. Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. Dec. 10.

HERBERT, WILLIAM HENRY, Sawbridgeworth, Hertfordshire, railway porter, Jan. 7, Bishop's Stortford. Off. Ass. Unwin; Sol. Baker, Bishop's Stortford.—Pet. f. Dec. 10.

HIGGINBOTTOM, FRANCIS JOSEPH, Birkdale, Lancashire, attorney at law, Dec. 22, Ormskirk. Off. Ass. Welsby; Sol. Swan, Manchester.—Pet. f. Dec. 7.

HOMSFIELD, JOHN, Blackburn, Lancashire, plasterer, Jan. 4, Blackburn. Off. Ass. Bolton; Sols. Backhouse & Co., Blackburn.—Pet. f. Dec. 7.

HOWARD, GEORGE, Tempsford, Bedfordshire, shoemaker, Dec. 23, Biggleswade. Off. Ass. Hooper; Sols. Conquest & Co., Bedford.—Pet. f. Dec. 9.

JOHNSON, JAMES CRAWFORD, Walnes Pendleton, near Salford, Lancashire, composition grease maker, Dec. 30, Salford. Off. Ass. Hukon; Sol. Nuttall, Manchester.—Pet. f. Dec. 10.

LABURN, THOMAS, Hardingstone, Northamptonshire, beer-seller, Jan. 2, Northampton. Off. Ass. Dennis; Sols. Shield & Co., Northampton.—Pet. f. Dec. 12.

LACKENBY, NICHOLAS, York, hair dresser, Dec. 30, York. Off. Ass. Perkins; Sol. Mason, York.—Pet. f. Dec. 8.

LEES, PHILIP HENRY, Derby, book keeper, Dec. 28, Derby. Off. Ass. Weller; Sol. Holt, Derby.—Pet. f. Dec. 11.

LINDLEY, RICHARD, Belton, Lincolnshire, dealer in potatoes, Dec. 26, Thorne. Off. Ass. Fox; Sol. Brown, Lincoln.—Pet. f. Nov. 20.

MANNERS, THOMAS, Settle, Yorkshire, wine merchant, Dec. 31, Leeds. Off. Ass. Young; Sols. Atkinson, Settle; North & Co., Leeds.—Pet. f. Dec. 11.

MARTIN, BENJAMIN, Kingwinford, Staffordshire, chartermaster, Jan. 23, Stourbridge. Off. Ass. Harward; Sol. Maltby, Stourbridge.—Pet. f. Dec. 11.

MIDGLEY, JAMES, Smallbridge, near Rochdale, Lancashire, out of business, Dec. 30, Rochdale. Off. Ass. Woods; Sol. Whitehead, Rochdale.—Pet. f. Dec. 10.

MORRELL, JOHN, Liverpool, eating-house keeper, Dec. 29, Liverpool. Off. Ass. Hime; Sol. Husband, Liverpool.—Pet. f. Dec. 8.

MOWATT, ALEXANDER, Bath, washmaker, Dec. 29, Bristol. Off. Ass. Miller; Sol. Brittan, Bristol.—Adj. Dec. 9.

MUTTON, JOSEPH, Cambridge, plumber, Dec. 28, Cambridge. Off. Ass. Eaden; Sol. Hunt, Cambridge.—Pet. f. Dec. 11.

O'BRIEN, TIMOTHY, Abergavenny, Monmouthshire, grocer, Dec. 29, Abergavenny. Off. Ass. Batt; Sol. Sayce, Abergavenny.—Pet. f. Dec. 8.

PATTON, RALPH, Newcastle-upon-Tyne, licensed victualler, Jan. 9, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Dec. 4.

PRE, HENRY HIGGINS, Grimley, Worcestershire, horse dealer, Dec. 28, Worcester. Off. Ass. Hill; Sol. Wilson, Worcester.—Pet. f. Dec. 10.

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STONE, JOHN, Bridgwater, Somersetshire, butcher, Dec. 30, Exeter. Off. Ass. Hirtzel; Sols. Smith, Bridgwater; Hirtzel, Exeter.—Pet. f. Dec. 11.

SYKES, MATTHEW, Dewsbury, Yorkshire, greengrocer, Jan. 1, Dewsbury. Off. Ass. Nelson; Sols. Scholes & Co., Dewsbury.—Pet. f. Dec. 11.

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**FRANK EASUM**, Secretary.

Y Y

## GAZETTES.—FRIDAY, Dec. 18.

## BANKRUPTS.

*To be heard in London.*

**BALLARD, HENRY JAMES**, Southampton, tailor, Jan. 5. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 10.

**CASE, ROBERT**, Upper Thames-street, oil merchant, Jan. 5. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 15.

**CRATTO, ANDREW**, Duke-street, Bloomsbury, assistant to a stationer, Dec. 29. *Off. Ass. Graham*; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 16.

**CLARKE, HENRY JOHN**, South Parade, Brompton, builder, Dec. 29. *Off. Ass. Graham*; Sol. Oliver, 31, King-street, Cheapside.—Pet. f. Dec. 4.

**DANCER, DANIEL TWIDELL**, Sloane-square, cab proprietor, Jan. 12. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 15.

**DAVIS, MYER**, Caroline-place, Guildford-street, general dealer, Jan. 5. *Off. Ass. Edwards*; Sol. Richardson, 1, Three King-court, Lombard-street.—Pet. f. Dec. 10.

**DE FLEURY, JOHN VICTOR**, Margate, artist in painting, Jan. 12. *Off. Ass. Stansfeld*; Sol. Sadgrove, 64, Mark-lane.—Pet. f. Dec. 16.

**DUNHAM, JAMES**, Hampton Gay, near Oxford, paper manufacturer, Jan. 5. *Off. Ass. Edwards*; Sol. Sole & Co., 68, Aldermanbury.—Pet. f. Dec. 10.

**ELLIOTT, CHARLES GEORGE**, Shoe-lane, bookseller, Jan. 12. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 15.

**GALE, JOHN**, Portwood, Southampton, non-trader, Dec. 29. *Off. Ass. Graham*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 10.

**GELL, ELIZABETH**, Willesden, farmer, Jan. 5. *Off. Ass. Edwards*; Sol. Barles, 32, Old Broad-street.—Pet. f. Dec. 14.

**GINGER, WILLIAM JAMES**, Boxley Heath, Kent, carpenter, Jan. 4. *Off. Ass. Stansfeld*; Sol. Silvester, 18, Great Dover-street.—Pet. f. Dec. 15.

**GRIFFITHS, WILLIAM**, High-street, Poplar, grocer, Jan. 4. *Off. Ass. Stansfeld*; Sol. Reed, 1, Guildhall-chambers.—Pet. f. Dec. 15.

**HALL, HENRY**, Saint Martin's-le-Grand, iron merchant, Jan. 12. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 15.

**HARRIS, JOHN RYVES**, Hawley-road, Kentish-town, painter, Jan. 5. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 16.

**HIRD, THOMAS**, Halford-terrace, Penton-place, Walworth, builder, Jan. 12. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 14.

**JABBETT, WILLIAM**, Isle of Sheppey, Kent, out of business, Jan. 4. *Off. Ass. Stansfeld*; Sol. Doyle, 2, Versulam-buildings, Gray's-Inn.—Pet. f. Dec. 14.

**KERRY, DENNET**, Portsea, Hampshire, bootmaker, Jan. 5. *Off. Ass. Edwards*; Sol. Sole & Co., 68, Aldermanbury.—Pet. f. Dec. 7.

**MARSHALL, WILLIAM SAMUEL**, and **WILLIAMS, BENJAMIN**, Strand, tea dealers, Jan. 4. *Off. Ass. Stansfeld*; Sol. Matthews & Co., 102, Lendenhall-street.—Pet. f. Dec. 9.

**MARTIN, JAMES**, Millbank-street, Westminster, out of business, Jan. 12. *Off. Ass. Cannan*; Sol. Childley, 25, Old Jewry.—Pet. f. Dec. 15.

**MARTYN, JOHN**, Rosenary-cottages, Shepperton-street, Islington, wholesale milliner, Jan. 12. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 16.

**NASH, ELLEN**, Euston-road, St. Pancras, in no business, Jan. 5. *Off. Ass. Edwards*; Sol. Drew, 4, New Basinghall-street.—Pet. f. Dec. 15.

**NEWSOME, JOHN**, Edmond-place, City, woollen merchant, Jan. 12. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 15.

**OSBORNE, JAMES**, St. John's-road, Hoxton, upholsterer, Dec. 29. *Off. Ass. Graham*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 16.

**RANDLE, WILLIAM**, Norwich, corn dealer, Jan. 5. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 14.

**RUFF, JOSTAM**, Kingston, Surrey, British wine manufacturer, Jan. 12. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 14.

**SENA, WILLIAM**, The Terrace, Cambridge-heath, beer-shop keeper, Jan. 12. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 13.

**USJOHN, EDWARD**, Lower Belgrave-street, Eaton-square, dairyman, Dec. 29. *Off. Ass. Graham*; Sol. Walmisley, 5, Victoria-street, Westminster Abbey.—Pet. f. Dec. 14.

**WELCHMAN, JOHN**, John-street West, Blackfriars-road, dealer in jewellery, Jan. 12. *Off. Ass. Cannan*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 15.

**WILLIAMS, BENJAMIN BENNINGTON**, Bury-street, St. James's, a major in the militia, Jan. 12. *Off. Ass. Graham*; Sol. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. Dec. 9.

**WILLIAMS, THOMAS**, Rose-lane, Ratcliff, cooper, Jan. 12. *Off. Ass. Cannan*; Sol. Webster, 10, Tokenhouse-yard.—Pet. f. Dec. 15.

**ZANNI, GENTILIANO**, Holborn-hill, meat-screen manufacturer, Jan. 12. *Off. Ass. Edwards*; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 15.

*To be heard in the Country.*

**ANDREW, ROBERT**, Middleborough, Yorkshire, corn miller, Jan. 11. *Leeds. Off. Ass. Carriek*; Sol. Griffin, Middleborough; Bond & Co., Leeds.—Pet. f. Dec. 14.

**BRUTON, CHARLES**, Exeter, attorney-at-law, Dec. 30, Exeter. *Off. Ass. Daw*; Sol. Flood, Exeter.—Pet. f. Dec. 15.

**CARLES, SAMUEL**, Birmingham, fruiterer, Jan. 18, Birmingham. *Off. Ass. Guest*; Sol. Parry, Birmingham.—Pet. f. Dec. 14.

**CARR, THOMAS**, and **ROBINSON, PETER**, Liverpool, timber merchants, Dec. 29, Liverpool. *Off. Ass. Morgan*; Sol. Haigh & Co., Liverpool; W & A Co., 104, Lomanger-lane, Cheapside.—Pet. f. Dec. 8 and 15.

**CHASSER, GEORGE**, Liverpool, steam-boat owner, Jan. 9, Liverpool. *Off. Ass. Turner*.—Adj. Dec. 14.

**CRAWFORD, THOMAS**, Darlington, Durham, butcher, Dec. 30, Darlington. *Off. Ass. Bower*; Sol. Allison & Co., Darlington.—Pet. f. Dec. 14.

**CURTIS, WILLIAM, SURNAME**, Sunderland, wharfwright, Jan. 1, Toxtedge Wells. *Off. Ass. Skyring*; Sol. Gledwin, Maidstone.—Pet. f. Dec. 14.

**DALKEIN, JOHN**, Chester-le-Street, Durham, ropemaker, Dec. 30, Newcastle-upon-Tyne. *Off. Ass. Baker*; Sol. Daglish & Co., Newcastle-upon-Tyne.—Pet. f. Dec. 15.

**DEADY, JOHN HOPWOOD**, Birkenshead, Cheshire, and Liverpool, contractor, Jan. 9, Liverpool. *Off. Ass. Morgan*.—Adj. Dec. 14.

**DEWIS, GEORGE**, Brinklow, Warwickshire, baker, Dec. 31, Rugby. *Off. Ass. Hubbard*; Sol. Griffin, Leamington.—Pet. f. Dec. 14.

**DYSON, GEORGE**, Lee, near Oldham, Lancashire, steam-mason, Jan. 7, Ashton-under-Lyne. *Off. Ass. Wertheimann*; Sol. Rawlinson, Manchester.—Pet. f. Dec. 17.

**EARDLEY, WILLIAM**, Burslem, Staffordshire, working potter, Jan. 14, Hanley. *Off. Ass. Challinor*; Sol. Sutton, Burslem.—Pet. f. Dec. 16.

**EDWARDS, JOHN RICHARD**, Penner, near Abercrombie, Denbighshire, grocer, Jan. 1, Liverpool. *Off. Ass. Turner*; Sol. Evans & Co., Liverpool.—Pet. f. Dec. 16.

**ELLIS, MARY**, Tonbridge Wells, widow, Jan. 2, Lewes. *Off. Ass. Blaker*; Sol. Langham, Uckfield.—Pet. f. Dec. 15.

**GALL, JAMES**, Martock, Somersetshire, farmer, Jan. 1, Yeovil. *Off. Ass. Sutton*; Sol. Watts, Yeovil.—Pet. f. Dec. 9.

**GLANOL, JOSEPH**, Sunderland, innkeeper, Dec. 29, Bishopwearmouth. *Off. Ass. Marshall*; Sol. Barker, Sunderland.—Pet. f. Nov. 17.

**GOULD, GEORGE**, Wareham, Dorsetshire, general dealer, Dec. 30, Wareham. *Off. Ass. Filler*; Sol. Howard, Weymouth.—Pet. f. Dec. 4.

**GREENWOOD, THOMAS**, Manchester, marble mason, Jan. 12, Manchester. *Off. Ass. Kay*; Sol. Simpson, Manchester.—Pet. f. Dec. 14.

**GWYN, JOHN**, Cardiff, Glamorganshire, haulier, Jan. 1, Cardiff. *Off. Ass. Langley*; Sol. Wilcocks, Cardiff.—Pet. f. Dec. 14.

**HARRIS, CHARLES**, Tewkesbury, Gloucestershire, innkeeper, Dec. 30, Tewkesbury. *Off. Ass. Brown*; Sol. Taynton, Gloucester.—Pet. f. Dec. 15.

**HARRISON, THOMAS**, Saxilby, Lincolnshire, out of business, Dec. 28, Lincoln. *Off. Ass. Uppley*; Sol. Brown & Co., Lincoln.—Pet. f. Dec. 14.

**HARTLEY, WILSON**, Old Accrington, Lancashire, licensed victualler, Jan. 6, Manchester. *Off. Ass. Post*; Sol. Bannister, Accrington; Storer, Manchester.—Pet. f. Dec. 15.

**HEWITT, WILLIAM HOPKINS**, Manchester, attorney-at-law, Jan. 8, Manchester. *Off. Ass. Herhaman*; Sol. Booth, Manchester.—Pet. f. Dec. 14.

**HILLMAN, GEORGE**, Aston, Warwickshire, farmer, Jan. 4, Birmingham. *Off. Ass. Whitmore*; Sol. Mitton, Birmingham.—Pet. f. Dec. 15.

**HOWARD, HENRY**, Brighton, gentlemen, Jan. 2, Lewes. *Off. Ass. Blaker*; Sol. Goodman, Brighton.—Pet. f. Dec. 10.

**HUGHES, GEORGE BOWFIELD**, Liverpool, photographic artist, Jan. 9, Liverpool. *Off. Ass. Turner*.—Adj. Dec. 14.

**HUGHES, RICHARD**, Stretton-heath, near Westbury, Shropshire, brick-layer, Dec. 29, Shrewsbury. *Off. Ass. Peel*; Sol. Davies, Shrewsbury.—Pet. f. Dec. 15.

**JACKSON, ROBERT**, Western-hill, near Durham, law clerk, Dec. 31, Durham. *Off. Ass. Bramwell*; Sol. Bignall, Durham.—Pet. f. Dec. 16.

**JAMES, JOHN**, Cwmavon, Glamorganshire, shoe dealer, Dec. 30, Neath. *Off. Ass. Morgan*; Sol. Tripp, Swansea.—Pet. f. Dec. 15.

**JONES, THOMAS PHILIP**, Rhdy-y-Defaid, near Hope, Flintshire, farmer, Dec. 31, Wrexham. *Off. Ass. Edgworth*; Sol. Cartwright, Chester.—Pet. f. Dec. 16.

**KIDD, JOHN RICHARD**, Norwich, licensed dealer in tobacco, Dec. 30, Norwich. *Off. Ass. Palmer*; Sol. Atkinson, Norwich.—Pet. f. Dec. 15.

**KING, WILLIAM**, Chippenham, Wiltshire, draper, Jan. 8, Bristol. *Off. Ass. Miller*; Sol. Pinniger & Co., Chippenham; Henderson, Bristol.—Pet. f. Dec. 16.

**KIRKHAM, THOMAS**, Macclesfield, Cheshire, dealer in German yeast, Dec. 28, Macclesfield. *Off. Ass. the registrar*; Sol. Barclay, Macclesfield.

**KNIGHT, THOMAS**, Neithrop, Oxfordshire, boatman, Dec. 31, Banbury. *Off. Ass. Fortescue*; Sol. Pellatt, Banbury.—Pet. f. Dec. 16.

**LANE, RALPH**, Ormesby, Yorkshire, tailor, Dec. 30, Stockton-on-Tees. *Off. Ass. Crosby*; Sol. Griffin, Middlesbrough.—Pet. f. Dec. 16.

**LEWIS, JOHN**, Aberystwith, Menmouthshire, tailor, Jan. 2, Tredegar. *Off. Ass. Shepard*; Sol. Davies, Crickhowell.—Pet. f. Dec. 14.

**M'GRATH, BERNARD**, Liverpool, provision dealer, Jan. 9, Liverpool. *Off. Ass. Morgan*.—Adj. Dec. 14.

**MAKEPEACE, RIDLEY**, and **MAKEPEACE, ROBERT**, Teignmouth, Devonshire, wharfingers, Jan. 5, Exeter. *Off. Ass. Hirtzel*; Sol. Flood, Exeter.—Pet. f. Dec. 15.

**MANSER, RICHARD THOMAS**, Eastbourne, Sussex, out of business, Jan. 2, Lewes. *Off. Ass. Blaker*; Sol. Goodman, Brighton.—Pet. f. Dec. 12.

**MOORE, JOHN**, High Bickington, Devonshire, farmer, Jan. 1, Exeter. *Off. Ass. Hirtzel*; Sol. Gribble & Co., Barnstaple; Clarke, Exeter.—Pet. f. Dec. 15.

**NASH, JOHN**, East Dean, Gloucestershire, brick manufacturer, Dec. 29, Bristol. *Off. Ass. Acreman*; Sol. Carter & Co., Newham; Henderson, Bristol.—Pet. f. Dec. 15.

**NITCH, WILLIAM**, Newcastle-upon-Tyne, merchant, Dec. 30, Newcastle-upon-Tyne. *Off. Ass. Baker*; Sol. Daglish & Co., Newcastle-upon-Tyne; Bailey, 8, Tokenhouse-yard.—Pet. f. Dec. 5.

**NORTHWAY, SAMUEL**, Torquay, Devonshire, wine merchant, Jan. 1, Exeter. *Off. Ass. Hirtzel*; Sol. Wood, Bristol; Pitt, Exeter.—Pet. f. Dec. 4.

**NUSS, MATTHEW**, Bradwell-near-the-Sea, Essex, blacksmith, Dec. 31, Maldon. *Off. Ass. Codd*; Sol. Digby, Maldon.—Pet. f. Dec. 14.

[For continuation of Gazette, see p. 463.]

## CONTENTS.

London Gazette.....	462
Leading Article .....	463
New Rules and Orders .....	465
Prospectus of Lectures to be delivered during the ensuing Hilary Term.....	466

## NAMES OF THE CASES REPORTED.

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

<i>Ex parte</i> Gill, <i>re</i> Allen.—( <i>Bankruptcy—Dissolved partnership—Right of partnership creditors</i> ) ..	1303
<i>Ex parte</i> Stuart, <i>re</i> Waugh.—( <i>Bankruptcy—12 &amp; 13 Vict. c. 106, s. 112—Bankrupt in custody under a <i>capias ad respondendum</i>—Discretionary power of commissioner to release</i> ) .....	1308

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Hales v. Cox.— <i>Re</i> Hales.—( <i>Voluntary settlement—Covenant for quiet enjoyment—Mortgage—Marshalling</i> ) .....	1305
Tuckey v. Henderson.—( <i>Legacies—Cumulative or substitutional</i> ) .....	1306
The Attorney-General v. Greenhill.—( <i>Charity—Perpetuity—Void condition</i> ) .....	1307

## VICE-CHANCELLOR KINDERSLEY'S COURT.

By W. W. KNOX, Barrister at Law.

The British Provident Society v. Norton.—( <i>Public company—Mortgage to director—Sanction at meeting</i> ) .....	1308
---	------

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Hutton v. Beeton and M'Murray.— <i>Beeton v. M'Murray and Hutton</i> .—( <i>Newspapers, alleged partnership in—Mortgagor and mortgages—Power of sale—Contract—Specific performance</i> ) .....	1310
Depree v. Bedborough and Others; <i>In re</i> The Will of C. T. Depree and the Clerkenwell Improvement Act, 1861; and Griffiths and Another v. Bedborough and Others.—( <i>Sale by the Court—Conditions—Bankruptcy of purchaser—Election by assignees not to complete contract—Forfeiture of deposit by assignees—Resale</i> ) .....	1317

## VICE-CHANCELLOR WOOD'S COURT.

By H. B. INCH and J. HOWARD, Barristers at Law.

<i>Edge v. Addison</i> .—( <i>Husband and wife—After-acquired property—Covenant to settle—Joint tenants</i> ) .....	1320
<i>Swaby v. Sutton</i> .—( <i>Pleading—Answer—Exceptions—Discovery—Plea</i> ) .....	1321

## COURT OF QUEEN'S BENCH.

By H. HOLROYD, Barrister at Law.

<i>Pust v. Dowie</i> .—( <i>Ship and shipping—Charterparty—Condition precedent</i> ) .....	1322
--	------

By C. W. LOVESY, Barrister at Law.

The Tamar Navigation Company v. Wagstaff.—( <i>River navigation—Partial completion of works, &amp;c.—Tolls</i> ) .....	1324
--	------

## COURT OF COMMON PLEAS.

By H. RUTHERFORD, Barrister at Law.

<i>Burnard, App., Haggis, Resp.</i> .—( <i>Infant—Contract—Tort</i> ) .....	1325
---	------

By E. BULLOCK, Barrister at Law.

<i>Booth v. Galr</i> .—( <i>Marine insurance—General average—Particular average—Partial loss—Suing and labouring clause</i> ) .....	1326
---	------

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

<i>Roberts and Another v. Rose</i> .—( <i>Abatement of nuisance by defendant in watercourse of plaintiff on land of third party—Damage—Pleading</i> ) ..	1328
--	------

## COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

By W. ERNST BROWNING, Barrister at Law.

<i>Rooker v. Rooker and Newton</i> .—( <i>Dissolution of marriage—Marriage proved by affidavit—Evidence of identity</i> ) .....	1329
---	------

## COURT OF ADMIRALTY.

By W. ERNST BROWNING, Barrister at Law.

The London.—( <i>Collision—Inevitable accident—Costs</i> ) .....	1330
--	------

## THE JURIST.

LONDON, DECEMBER 26, 1863.

WE have already expressed our sincere hope that the exertions of the committee appointed at the late meeting of the Bar to inquire into the reporting system, and find, if possible, some remedy for the present state of things, will be attended with success. At the same time we must not dissemble the greatness and difficulty of the task they have before them, or the danger of their acting on some foregone conclusion, or being led away by some fallacious or ill-considered theory. The obvious way to guard against such errors and mischances is to imitate the conduct of the skilful physician, who carefully investigates the causes of the malady of his patient before he attempts to apply, or even thinks of, any remedy for it.

From the very nature of the thing, as well as from what has lately been said and written on this subject, it is obvious that one question that must be considered by the committee is, whether it would be possible or desirable to establish a corps of privileged reporters, whose reports alone should be permitted to be cited before our tribunals. And the example of the Year Books of this country in the olden time, and the re-

ports in the United States of America at the present day, will be relied on as precedents in favour of this proposition. Without presuming to offer any opinion of our own upon it, we must observe, that before the committee hold up either of these systems as examples for our guidance, they are bound thoroughly to examine into them, so as to be able fully to appreciate and describe their nature and mode of working.

First, then, with respect to the Year Books, we should like to ask the following questions:—

1. Who were the Year Book reporters?
2. Were they appointed to that office; and, if so, by whom? By the Crown, by the judges, or otherwise?
3. Were they remunerated; and, if so, by whom, and how?

Sir W. Blackstone (1 Com. 71, 72) solves these questions as follows:—"The reports are extant in a regular series from the reign of Edward 2 inclusive" (several of them, however, and among others the whole reign of Richard 2 are not yet printed); "and from his time to that of Henry 8 were taken by the prothonotaries, or chief scribes of the court, at the expense of the Crown, and published annually, whence they are known under the denomination of the *Year Books*." No authority is cited for this, but Sir Edward Coke (Preface to 3rd Reports, p. ii), who, from the period at which he lived, may well have conversed



with persons who saw the system in operation, tells us, "The kings of this realm, that is to say, Edward 3, Henry 4, Henry 5, Henry 6, Edward 4, Richard 3, and Henry 7, did select and appoint four discreet and learned professors of law to report the judgments and opinions of the reverend judges, &c.; whose learned works are extant, and digested into nine several volumes." The Year Book of Edward 2 was not then published. Serjeant Wilson adds, in a note to his edition of Coke's Reports, "These four reporters I take to be those who have since been named readers, and elected to that office by the respective Inns of Court."

4. Is there reason to believe that these reports are complete, i. e. not omitting any cases important in themselves, not omitting cases through obsequiousness to the powers that be, and not distorting reported cases for the same reason?

5. And, lastly, how came the Year Books to *cease*, after a continued existence of about two centuries and a half? We mention this period, for although the printed Year Books only extend from Michaelmas Term, 1 Edw. 2 (A.D. 1307), to Michaelmas Term, 27 Hen. 8 (A.D. 1537), yet the Year Book of Edw. 1 is in MS. in Lincoln's-inn Library, which adds more than thirty years to the collection.

These questions are difficult to answer at the present day. In the preface to Douglas's reports, published during the latter part of the last century, p. vi, speaking of reports in general, he says, "The most ancient compilations of this sort were the work of persons specially appointed for the purpose. In what particular manner they exercise their function, how far the courts superintended, or the judges assisted or revised their labours, no where appears; and, indeed, almost everything relating to them is involved in so much obscurity, that I believe their very names are totally unknown. It is probable, however, that the cotemporary judges, and those who immediately followed them, had satisfactory reasons for confiding in the accuracy of those reporters, since their writings, called the Year Books, have always possessed a degree of traditional weight and authority, superior to what is allowed to any subsequent reports. *This, indeed, is in some measure owing to the circumstances of their priority in point of time, exclusive of any consideration of peculiar authenticity or excellence*, the decisions contained in them forming the basis of that large superstructure of successive determinations which now fills the library of an English lawyer." The above italics are our own.

Passages are to be found in the Year Books which throw doubt on the assumption that the reporters in those days had those facilities of access to the judges, or were in that constant attendance on the Courts, which is commonly supposed. Thus, in the 21 Hen. 7. 6. b, we find the reporter expressing himself as follows:—"Fisher and Vavasour, Justices, were of the same opinion, but I know not how to report them; they spoke in so low a tone that I could not hear them." ("Fisher & Vavasour, Just., de mesme l'opinion; mes jeo ne scay eux reporter, ils parlerent si bassement que jeo ne pouvais eux ouir"). And the reporters sometimes account for not report-

ing particular matters by the expressive phrase, "Non interfui." Then, as to the cause of the cessation of the Year Books; Mr. Daniel, in his speech at the meeting of the Bar, ascribed it to the rapacity of King Henry 8, who wanted for other purposes the money which had been set apart for the salaries of the reporters. No authority was cited for this assertion, nor are we in a condition either to confirm or refute it. One question, however, we wish to put to all whom it may concern. Is it not possible that the Year Books may have come to a stand still in consequence of their *deterioration*, either in quality, quantity, lateness of appearance, or expensiveness? For it must not be assumed that they are all of equal value. Hear what Sir Matthew Hale says on this subject in his History of the Common Law, 172:—"Touching the reports of the years and terms of Hen. 4 and Hen. 5, I can only say, they do not arrive, either in the nature of the learning contained in them, or in the judiciousness and knowledge of the judges and pleaders, nor in any other respect arise to the perfection of the last twelve years of Edw. 3. But the times of Hen. 6, as also of Edw. 4, Edw. 5, and Hen. 7, were times that abounded with learned and excellent men. There is little odds in the usefulness or learning of these books, only the first part of Hen. 6 is more barren, spending itself much in learning of little moment, and now out of use; but the second part is full of excellent learning. In the time of those three kings, Hen. 6, Edw. 4, and Hen. 7, the learning seems to be much alike." Why is no mention made of the last of the series, the Year Book of Hen. 8?

Be this, however, as it may, it is well known that about a century after the cessation of the Year Books, an attempt was made to revive the practice of official reporting, and that under the auspices of no less a person than Lord Bacon. One of these reporters was Serjeant Hetley, the title to whose reports (which include the years 3 to 7 Car. 1.—1628 to 1632) informs us, that he was "appointed by the King AND the Judges, as one of the reporters of the law." Hetley's reports do not bear a high reputation, and the system shortly came to a close, from what cause we are unable to say.

The regular system of modern reporting—a system almost, if not altogether as exclusive as that of the Year Books—may be dated from the commencement of Durnford & East's Reports, A. D. 1785. Within half a century complaints began to be made; the system was shaken, and finally broke down.

To proceed to the American system. In the Supreme Court at Washington, in the Empire State of New York, and we believe in most of the other States, there is an official salaried reporter, whose reports alone are permitted to be cited. We trust that no pains will be spared by the committee to inquire fully into this matter. American legislation throws some light on the subject. Reporting in the Supreme Court at Washington is regulated by an act of the 27th Congress, sess. 2; c. 264, "The reporter who shall, from time to time, be appointed by the Supreme Court, shall be entitled to receive from the treasury of the United States, as an annual compensation for his services, and for the copies of the annual volumes of the

reports he is hereinafter required to deliver to the Secretary of State, the sum of 1300 dollars: *Provided*, that the compensation shall not be paid unless the said reporter shall print and publish, or cause to be printed and published, the decisions of the said Court, made during the time he shall act as such reporter, within six months after the said decisions shall be made: . . . *And provided also* that the volumes of the decisions of the Supreme Court shall not be sold by the reporter to the public at large, for a greater price than five dollars for each volume." (Statutes of the United States, vol. 5, p. 545).

The Code of Civil Procedure of the State of New York, 1850, compiled by Mr. D. D. Field, contains the following provisions on this subject:—

"Art. 369. The State reporter is appointed by the Governor, Lieutenant-Governor and Attorney-General, and holds his office for three years, but may be sooner removed by the Legislature, a majority of the members elected to each House voting for his removal. His compensation is fixed by special statutes.

"Art. 370. The State reporter must report and publish, within thirty days after the adjournment of each term, of the Court of Appeals, a concise outline of the facts and decision in every case determined at that term, with any opinion of the Court delivered to him for that purpose; *omitting, however, every opinion dissenting from the decision*, except in a case involving the construction of the constitution of this State or of the United States.

"Art. 371. The State reporter can have no pecuniary interest in the publication of the reports, nor can a copyright for them be secured by him or any other person: but they are free for publication by all.

"Art. 372. The reports must be published in pamphlet form, under the supervision of the State reporter, by contract, as prescribed by special statutes, and designated 'The New York Reports.' Each volume must contain at least 600 pages, with a suitable table of the names of the cases reported, head-notes to each case, and an index of the principal matters contained in each volume. Their sale and distribution is provided for by special statutes."

The passage which we have marked in italics in art. 370 is very remarkable. We leave it to the candid judgment of every competent and unprejudiced person, whether such a provision is a light to guide, or a beacon to warn.

The discrepancies between these codes are obvious. The most curious is, that the Washington reporter is allowed six months to publish his report, while his brother at New York is limited to thirty days—one-sixth of the former period. Are we to understand from this that the reports at Washington are six times as numerous as those at New York, or is the reporter at the latter place six times more expeditious than the reporter at the former; and in the latter event are they equally efficient?

If authorized reporters, with the exclusive right of reporting, are to be again appointed in England, it is impossible to overrate the importance of having their status and functions accurately defined, and, in particular, to determine whether they are to hold

office *durante bene placito*, and if so, of whom, or *quamdiu se bene gesserint*, and if so, who is to be judge of their good behaviour? On these matters, the American laws above quoted leave us in the dark. A reporter may discharge his functions in a way which, although not open to any objection that could be reduced to specific form, shews him inadequate to the important functions with which he is entrusted. And yet to render him removable without specific objection seems levelling a blow at his independence, and a violation of constitutional principle.

## NEW RULES AND ORDERS.

### COURT OF EXCHEQUER.—REVENUE SIDE.

In pursuance of the provisions contained in the 26th section of the 22 & 23 Vict. c. 21, intituled "An Act to regulate the Office of Queen's Remembrancer, and to amend the Practice and Procedure on the Revenue Side of the Court of Exchequer," "it is ordered that the following provisions of the Common-law Procedure Act, 1854, be extended, applied, and adapted to the revenue side of the Court of Exchequer; and also that the following rules, as to giving bail in cases of appeal, shall be in force on the revenue side of the Court of Exchequer:—

1. "In all cases of rules to enter a verdict or nonsuit upon a point reserved at the trial, if the rule to shew cause be refused or granted, and then discharged or made absolute, the party decided against may appeal.

2. "In all cases of motions for a new trial, upon the ground that the judge has not ruled according to law, if the rule to shew cause be refused, or if granted, be then discharged or made absolute, the party decided against may appeal, provided any one of the judges dissent from the rule being refused, or when granted, being discharged or made absolute, as the case may be, or provided the Court in its discretion think fit that an appeal should be allowed; provided that where the application for a new trial is upon matter of discretion only, as on the ground that the verdict was against the weight of evidence or otherwise, no such appeal shall be allowed.

3. "The Court of Error, the Exchequer Chamber, and the House of Lords shall be Courts of Appeal for this purpose.

4. "No appeal shall be allowed unless notice thereof be given in writing to the opposite party or his attorney, and to the Queen's Remembrancer, within four days after the decision complained of, or such further time as may be allowed by the court or a judge.

5. "The appeal hereinbefore mentioned shall be upon a case to be stated by the parties (and in case of difference to be settled by the court or a judge of the Court appealed from), in which case shall be set forth so much of the pleadings, evidence, and the ruling or judgment objected to, as may be necessary to raise the question for the decision of the Court of Appeal.

6. "When the appeal is from the refusal of the Court below to grant a rule to shew cause, and the Court of Appeal grant such rule, such rule shall be argued and disposed of in the Court of Appeal.

7. "The Court of Appeal shall give such judgment as ought to have been given in the Court below, and all such further proceeding may be taken thereupon as if the judgment had been given by the Court in which the record originated.

8. "The Court of Appeal shall have power to ad-

judge payment of costs, and to order restitution; and they shall have the same powers as the Court of Error in respect of awarding process, and otherwise.

9. "Upon an award of a trial *de novo* by the Court, or by the Court of Error upon matter appearing upon record, error may at once be brought; and if the judgment in such or any other case be affirmed in error, it shall be lawful for the Court of Error to adjudge costs to the defendant in error.

10. "When a new trial is granted on the ground that the verdict was against evidence, the costs of the first trial shall abide the event, unless the Court shall otherwise order.

11. "Upon motions founded upon affidavits, it shall be lawful for either party, with leave of the court or a judge, to make affidavits, in answer to the affidavits of the opposite party, upon any new matter arising out of such affidavits, subject to all such rules as shall hereafter be made respecting such affidavits.

12. "Notice of appeal shall be a stay of execution, provided that, within eight days after the decision complained of, or before execution delivered to the sheriff, bail, to pay the sum recovered and costs, or to pay costs when adjudged, be given in like manner, and to the same amount, as bail in error is required to be given under the rules of this Court, made on the 22nd day of June, 1860, or as near thereto as may be applicable, provided that such bail shall not be necessary to stay execution in cases where the appellant is the Crown, the Attorney-General on behalf of the Crown, or the Prince of Wales, or the Duke of Cornwall for the time being.

"The foregoing rules shall come into operation and take effect forthwith, and apply to every cause, matter, and proceeding now pending.

"FRED. POLLOCK.

"G. BRAMWELL.

"W. F. CHANNELL.

"G. PIGOTT.

"Dated the 4th day of November,  
in the year of our Lord, 1863."

### PROSPECTUS OF THE LECTURES

*To be delivered during the ensuing Hilary Educational Term, by the several Readers appointed by the Inns of Court.*

#### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Reader will trace the History of our Constitution from the accession of Edward VI down to the lowest period which the time allotted to the Course of Lectures will enable him to reach.

He will dwell particularly on the Legal and Judicial History of each different reign, as recorded in the Statute-book, the volume of Reports, and the State Trials.

In his Private Classes he will begin with the Norman Conquest, and proceed in regular order through each successive reign till his course has ended.

The books to which he will chiefly refer are—Blackstone's Commentaries, by Kerr—Rapin's History of the Period—The Chroniclers—Hallam's Constitutional History—Brodie's History—Burnet's Works—Lord Clarendon's History—May's History—Hayes's History of Conveyancing—Starkie's Law of Libel—State Trials—Statute-book and Reports of the Period—Coke's Institutes—Somers's Tracts.

#### EQUITY.

The Reader on Equity proposes to deliver, during the ensuing Educational Term, a course of Nine Lectures on the following subjects:—

1. On Implied and Resulting Trusts.
2. On Charitable Trusts.
3. On Relief in Equity against Penalties and Forfeitures.
4. On the Nature of Legal Mortgages.
5. On Suits for Redemption and Foreclosure.

The Reader will continue with his Senior and Junior Classes the general courses of Equity already commenced. He will also continue in the Senior Class, and commence in the Junior, to explain the leading rules of Pleading and Procedure in Equity.

#### THE LAW OF REAL PROPERTY.

The Reader on the Law of Real Property proposes to deliver, in the ensuing Educational Term, Nine Public Lectures on the following subjects:—

1. Conditions of Sale.
2. The Doctrine of Election.
3. The Doctrine of Equitable Conversion.
4. The Law of Copyholds.

In his Private Classes, the Reader on the Law of Real Property will continue his Course of Real Property Law, using the work of Mr. Joshua Williams and Mr. Tudor's Leading Cases on Conveyancing, as Text-books.

#### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law proposes, in the ensuing Educational Term, to deliver Nine Public Lectures on the following subjects:—

1. The Roman Idea of Dominium, and the Origin of the distinction between Legal and Equitable Ownership.
2. The Modes of Acquisition of Property by the Roman and English Law.
3. The Comparison of the Roman and French Law respecting the Transfer of Property, with the English Law upon the same subject.
4. The Roman Testament.
5. The Right of Search.

In his Private Class, the Reader proposes to continue the Course of the Roman Civil Law, beginning with the Second Book of Justinian's Institutes, using Sandars's edition of that work, and the *Systema Juris Romani* of Mackeldey as Text-books.

The Reader in his Private Class will discuss various points of International Law, using the work of Wheaton as his Text-book.

#### COMMON LAW.

The Reader on Common Law proposes to deliver, during the ensuing Educational Term, Nine Public Lectures as under. The first Lecture will be Introductory to the Law of Contracts, and in the subsequent Lectures will be considered—

1. The Three Classes of Contracts, with their respective Characteristics.
2. The Nature of, and Ingredients in, a Simple Contract.
3. Mercantile Contracts, with the Leading Statutes which affect or regulate them.
4. Negotiable Instruments.

With his Private Class, the Reader will examine *seriatim* the various subjects above set forth, using the following Books for reference:—Smith's Leading Cases and Mercantile Law, Broom's Commentaries, and Story's Treatises on Bailments, and Principal and Agent.

By order of the Council,  
(Signed) WESTBURY, C., Chairman.

Council Chamber, Lincoln's Inn,  
Dec. 21, 1863.

**FRARY, SAMUEL**, Birmingham, watch hand maker, Jan. 18, Birmingham. Off. Ass. Guest.—Pet. f. Dec. 8.  
**FRANT, THOMAS EDWARD**, Liverpool, master mariner, Jan. 5, Liverpool. Off. Ass. Hime; Sol. Bremner, Liverpool.—Pet. f. Dec. 16.  
**FRATT, SAMUEL**, Bridgwater, Cheshire, labourer, Dec. 24, Nantwich. Off. Ass. Broughton; Sol. Edlinton, Nantwich.—Pet. f. Nov. 26.  
**FRATT, SAMUEL**, Kidderminster, Worcestershire, clog maker, Jan. 6, Kidderminster. Off. Ass. Talbot; Sol. Batham, Kidderminster.—Adj. Dec. 16.  
**FRIS, ANN**, Llanguillo, Cardiganshire, out of business, Dec. 30, Newcastle-in-Emlyn. Off. Ass. Evans; Sol. George, Newcastle-in-Emlyn.—Pet. f. Dec. 14.  
**FITSON, HUGHES**, Stockton-on-Tees, Durham, chemist, Dec. 30, Stockton-on-Tees. Off. Ass. Crosby; Sol. Thompson, Stockton.—Pet. f. Dec. 15.  
**FOYLE, EDWARD; FOYLE, PETER; FOYLE, JOHN; FOYLE, SAMUEL; and FOYLE, JOSEPH**, Crumppal-vale, Lancashire, bleachers, Jan. 6, Manchester. Off. Ass. Pott; Sol. Leigh, Manchester.—Pet. f. Dec. 15.  
**SIDDALL, JOHN**, Sharrow Moor, near Sheffield, schoolmaster, Jan. 7, Sheffield. Off. Ass. Wake; Sol. Mason, York and Sheffield.—Pet. f. Dec. 3.  
**STEVENS, JOHN**, Benenden, Kent, commission agent, Dec. 30, Tenterden. Off. Ass. Waller; Sol. Morgan, Maidstone.—Pet. f. Dec. 3.  
**TAYLOR, RICHARD**, Goolie, Yorkshire, coal merchant, Dec. 31, Leeds. Off. Ass. Young; Sols. Bond & Co., Leeds.—Pet. f. Dec. 15.  
**WARD, THOMAS**, Birmingham, dealer in coal, Jan. 4, Birmingham. Off. Ass. Whitmore; Sols. Knight & Co., Birmingham.—Pet. f. Dec. 8.  
**WELLS, WILLIAM FREDERICK**, Pudsey, Yorkshire, schoolmaster, Jan. 15, Bradford. Off. Ass. Robinson; Sol. Harle, Leeds.—Pet. f. Dec. 13.  
**WILLIAMS, ELLIS**, Aberdaron, Carnarvonshire, flour dealer, Dec. 30, Pwllheli. Off. Ass. Owen; Sol. Jones, Pwllheli.—Pet. f. Dec. 3.  
**WILLIAMS, RICHARD**, Hanley, Staffordshire, bookseller, Jan. 16, Hanley. Off. Ass. Challinor; Sol. Moxon, Hanley.—Pet. f. Dec. 16.

#### BANKRUPTCY ANNULLED.

**LITTLE, JAMES**, Bristol, baker.

### TUESDAY, Dec. 22.

#### BANKRUPTS.

##### To be heard in London.

**BANTON, GEORGE**, New-street, Covent-garden, hostler, Jan. 12. Off. Ass. Stanfield; Sols. Reed & Co., 8, Gresham-street.—Pet. f. Dec. 17.  
**BIDWELL, WILLIAM**, Petty Cury, Cambridge, boot manufacturer, Jan. 12. Off. Ass. Stanfield; Sol. Peddell, 17, Ironmonger-lane.—Pet. f. Dec. 19.  
**BRANTIGNA, JOHN**, North-street, Jubilee, Mile-end, sugar baker, Jan. 12. Off. Ass. Stanfield; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Dec. 18.  
**BROWN, THOMAS**, Acuber-place, Shrubland-road, Dalston, brass founder, Jan. 12. Off. Ass. Cannan; Sol. Wright, 123, Chancery-lane.—Pet. f. Dec. 18.  
**CAMERON, WILLIAM**, Church-passage, Norton Folgate, potato salesman, Jan. 12. Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 16.  
**COTTRELL, THOMAS JAMES**, Reading, Berkshire, butcher, Jan. 12. Off. Ass. Cannan; Sol. Fook, 27, Basinghall-street.—Pet. f. Dec. 17.  
**DOYLE, WILLIAM**, Cloudeley-street, Islington, out of business, Jan. 12. Off. Ass. Stanfield; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 16.  
**EASTBROOK, JOHN THOMAS**, Cottage-place, Newington Butts, manager to a zinc worker, Jan. 12. Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 19.  
**EYES, FREDERICK**, Newbury, Berkshire, chemist, Jan. 12. Off. Ass. Graham; Sols. Richards & Co., 29, Lincoln's-inn-fields; Cave, Newbury.—Pet. f. Dec. 18.  
**GALBRAITH, JAMES SCOTT**, Bradley-terrace, Wandsworth-road, tobacconist, Jan. 11. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 19.  
**GRATER, JAMES**, West Wellow, Wiltshire, cattle dealer, Jan. 12. Off. Ass. Graham; Sols. Paterson & Co., 7, Souverie-street; Mackay, Southampton.—Pet. f. Dec. 18.  
**GREENHEAD, GEORGE FREDERICK**, Munden-street, Hammersmith-gate, Fulham, ornamental painter, Jan. 12. Off. Ass. Graham; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 17.  
**HASELTON, WILLIAM ERNEST SAMUEL**, Upper-marish, Lambeth, builder, Jan. 25. Off. Ass. Stanfield; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 14.  
**HEFFILL, GEORGE**, East-road, City-road, tailor, Jan. 25. Off. Ass. Stanfield; Sol. Stocken, 150, Leadenhall-street.—Pet. f. Dec. 17.  
**HOPKINS, JOHN**, Wellington-terrace, Baywater, cheesemonger, Jan. 12. Off. Ass. Graham; Sols. Lewis & Co., Ely-place, Holborn.—Pet. f. Dec. 21.  
**HUGHES, RICHARD**, Little Knightbridge-street, Doctors'-commons, hotel manager, Jan. 12. Off. Ass. Edwards; Sol. Peverley, 73, Coleman-street.—Pet. f. Dec. 16.  
**MASON, JOHN**, Portland-road, Notting-hill, builder, Jan. 12. Off. Ass. Edwards; Sol. Plunkett, 63, Basinghall-street.—Pet. f. Dec. 17.  
**MILBETT, ALFRED NEWSON**, Liverpool, private tutor, Jan. 11. Off. Ass. Cannan; Sols. Wood & Co., 4, Coleman-street-buildings.—Pet. f. Dec. 18.  
**OXLADE, ALFRED**, Slough, Buckinghamshire, innkeeper, Jan. 25. Off. Ass. Stanfield; Sols. Walker & Co., 8, Southampton-street, Bloomsbury.—Pet. f. Dec. 17.  
**PARTYJONES, EDWARD JAMES**, Scott's-yard, Bush-lane, Cannon-street, City, cider merchant, Jan. 12. Off. Ass. Cannan; Sol. Beard, 25, Philip-lane.—Pet. f. Dec. 17.

**QUICK, JOSEPH**, Gosport, Southampton, innkeeper, Jan. 12. Off. Ass. Edwards; Sols. Pafford, Portsea; Jones, 5, New-inn, Strand.—Pet. f. Dec. 18.  
**SCOTT, BRERFORD**, New Brompton, Kent, paymaster in the Royal Navy, Jan. 5. Off. Ass. Cannan; Sols. Hayward, Kent; Harrison & Co., 24, Old Jewry.—Pet. f. Dec. 14.  
**SIMMONDS, WILLIAM JOSEPH**, Snow's-fields, Bermondsey, builder, Jan. 11. Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 19.  
**STOCKLEY, WILLIAM**, Pomona-place, King's-road, Fulham, out of business, Jan. 12. Off. Ass. Cannan; Sol. Adcock, 3, Copthall-buildings, Throgmorton-street.—Pet. f. Dec. 17.  
**SUCH, SAMUEL**, South Weald, Essex, out of business, Jan. 12. Off. Ass. Edwards; Sol. Lewis, 9, Carey-street, Lincoln's-inn-fields.—Pet. f. Dec. 17.  
**THESIDDER, JOHN THOMAS**, Lower Shadwell, biscuit manufacturer, Jan. 12. Off. Ass. Cannan; Sol. Jenkins, 31, Nicholas-lane, Lombard-street.—Pet. f. Dec. 12.  
**WESTROFF, GEORGE WILLIAM**, Northumberland-county, Strand, of no occupation, Dec. 29. Off. Ass. Graham; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 15.  
**WILLIAMS, GEORGE**, James-street, York-street, Walworth, white lead and colour merchant, Jan. 12. Off. Ass. Graham; Sols. Terrell & Co., 20, Basinghall-street.—Pet. f. Nov. 27.

##### To be heard in the Country.

**ASHTON, CHARLES**, Nottingham, picture-frame maker, Jan. 27, Nottingham. Off. Ass. Patchitt; Sol. Quarles, Nottingham.—Pet. f. Dec. 19.  
**AVERY, THOMAS**, Braunton, Devonshire, innkeeper, Jan. 5, Exeter. Off. Ass. Hirtzel; Sol. Flood, Exeter.—Adj. Dec. 12.  
**BAKER, WILLIAM**, Brayton, Yorkshire, wool leader, Jan. 8, Selby. Off. Ass. Newstead; Sol. Bantoft, Selby.—Pet. f. Dec. 18.  
**BARN, WILLIAM**, Sheffield, joiner, Jan. 7, Sheffield. Off. Ass. Wake; Sol. Broomhead, Sheffield.—Pet. f. Dec. 17.  
**BELLWOOD, WILLIAM**, Leeds, out of business, Jan. 15, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Dec. 18.  
**BENTON, THOMAS**, Wakefield, Yorkshire, worsted manufacturer, Jan. 7, Leeds. Off. Ass. Young; Sols. Snowden & Co., Leeds.—Pet. f. Dec. 17.  
**BETTINGSON, GEORGE**, Newark-upon-Trent, Nottinghamshire, shoemaker, Jan. 2, Newark-upon-Trent. Off. Ass. Newton; Sol. Ash, ley, Newark-upon-Trent.—Pet. f. Dec. 18.  
**BREWSTER, RICHARD**, Albrighton, Shropshire, farmer, Jan. 23, Madeley. Off. Ass. Potts; Sol. Walker, Broseley.—Pet. f. Dec. 14.  
**BROOK, EDWARD**, Leeds, mining broker, Jan. 11, Leeds. Off. Ass. Carrick; Sols. Christie & Co., and Bond & Co., Leeds.—Pet. f. Dec. 15.  
**BROOKS, CHARLOTTE**, Dudley, Worcestershire, out of business, Jan. 4, Dudley. Off. Ass. Walker; Sol. Maltby, Dudley.—Pet. f. Dec. 17.  
**BROWN, SAMUEL**, King's Lynn, Norfolk, merchant's clerk, Jan. 15, King's Lynn. Off. Ass. Wilson; Sol. Beloe, King's Lynn.—Pet. f. Dec. 19.  
**BYANT, GEORGE**, Bristol, baker, Jan. 1, Bristol. Off. Ass. Harley; Sol. Hill, Bristol.—Pet. f. Dec. 17.  
**BURGOTHE, THOMAS HANNAYARD**, Kingsbridge and Plymouth, Devonshire, draper, Jan. 8, Exeter. Off. Ass. Hirtzel; Sols. Hurrell, Kingsbridge; Flood, Exeter.—Pet. f. Dec. 9.  
**BUSSELL, JOHN**, Worcester, carpenter, Jan. 7, Worcester. Off. Ass. Hill; Sol. Wilson, Worcester.—Pet. f. Dec. 17.  
**COLES, EDWIN**, Canonicoeum, Dorsetshire, yeoman, Jan. 8, Exeter. Off. Ass. Hirtzel; Sols. Day, Bridport; Flood, Exeter.—Pet. f. Dec. 19.  
**DAVIS, FREDERICK**, Alcester, Warwickshire, needle scourer, Jan. 2, Alcester. Off. Ass. Jones.—Pet. f. Nov. 21.  
**FAVARETTI, ALFRED ANTHONY**, Cardiff, Glamorganshire, shipbroker, Jan. 4, Bristol. Off. Ass. Acraman; Sols. Bevan & Co., Bristol.—Pet. f. Dec. 18.  
**FAYERS, GEORGE**, Long Melford, Suffolk, out of business, Jan. 14, Sudbury. Off. Ass. Andrews; Sol. Cardinal, Halstead, Essex.—Pet. f. Dec. 14.  
**FLETCHER, ROBERT**, Devonport, porter, Jan. 2, Plymouth. Off. Ass. Hirtzel; Sol. Flood, Exeter.—Adj. Dec. 12.  
**FOSTER, HENRY**, Leeds, out of business, Jan. 15, Leeds. Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Dec. 17.  
**GOODWIN, GEORGE**, Manchester, general merchant, Jan. 15, Manchester. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Nov. 28.  
**GREENAWAY, JOHN**, Bremhill, Wiltshire, wood dealer, Jan. 6, Calne. Off. Ass. Rogers; Sol. Rawlings, Melkham.—Pet. f. Dec. 18.  
**GRIFFITHS, JOSEPH**, Kingston-upon-Hull, licensed victualler, Jan. 13, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Summers, Hull.—Pet. f. Dec. 16.  
**HACKING, THOMAS**, Oswaldtwistle, Lancashire, chemical manufacturer, Jan. 15, Lancaster. Off. Ass. Dunn; Sol. Gardner, Manchester.—Pet. f. Nov. 28.  
**HEYMAN, LOUIS**, Liverpool, jeweller, Jan. 4, Liverpool. Off. Ass. Morgan; Sols. Neal & Co., Liverpool.—Pet. f. Dec. 18.  
**HOLBHAM, MICHAEL**, Bolton, Lancashire, provision dealer, Jan. 13, Manchester. Off. Ass. Hernaman; Sols. Livett & Co., Manchester.—Pet. f. Dec. 10.  
**HOWE, SIDNEY**, Birstal, Yorkshire, waste dealer, Jan. 7, Leeds. Off. Ass. Young; Sols. Drake, Huddersfield; Simpson, Leeds.—Pet. f. Dec. 4.  
**HURST, JOHN**, Manchester, salesman, Jan. 9, Salford. Off. Ass. Hulton; Sol. Lamb, Manchester.—Pet. f. Dec. 18.  
**JACKSON, JOSEPH**, Gateshead, Durham, provision dealer, Jan. 9, Newcastle-upon-Tyne. Off. Ass. Clayton; Sol. Bush, Newcastle-upon-Tyne.—Pet. f. Dec. 16.  
**JOHN, DAVID**, Cardiff, Glamorganshire, innkeeper, Jan. 5, Cardiff. Off. Ass. Langley; Sol. Davis, Cardiff.—Pet. f. Dec. 19.  
**KELLET, JOSEPH CHADWICK**, Leeds, mungo manufacturer, Jan. 14, Leeds. Off. Ass. Carrick; Sols. Bond & Co., and Christie & Co., Leeds.—Pet. f. Dec. 17.  
**KNOTT, JOHN**, Maidstone, Kent, wheelwright, Dec. 24, Maidstone. Off. Ass. Sandmore; Sol. Goodwin, Maidstone.—Pet. f. Dec. 16.

**MACKARELL, RICHARD**, Treales, near Kirkham, Lancashire, farmer, Jan. 16, Kirkham. *Off. Ass. Moore; Sol. Catterall, Preston.*—*Pet. f. Dec. 17.*

**M'MILLAN, JOHN**, Swansea, Glamorganshire, licensed victualler, Jan. 6, Swansea. *Off. Ass. Morris; Sol. Field, Swansea.*—*Pet. f. Dec. 12.*

**MACKINLAY, ARCHIBALD**, Gateshead, Durham, commission agent, Jan. 5, Gateshead. *Off. Ass. Ingledew; Sol. Foster, Newcastle-upon-Tyne.*—*Pet. f. Dec. 18.*

**MARGERISON, WILLIAM**, Brampton, Derbyshire, slater, Jan. 12, Chesterfield. *Off. Ass. Wake; Sol. Busby, Chesterfield.*—*Pet. f. Dec. 16.*

**MOORE, JACOB**, Birmingham, bookseller, Jan. 4, Birmingham. *Off. Ass. Kinnear; Sol. Lawrence & Co., 14, Old Jewry-chambers; Ryland & Co., Birmingham.*—*Pet. f. Dec. 12.*

**NICHOLSON, JOHN SENIOR**, Batley, Yorkshire, stock dealer, Jan. 22, Dewsbury. *Off. Ass. Nelson; Sol. Harle, Leeds.*—*Pet. f. Dec. 18.*

**PAKEMAN, WILLIAM**, Wombourne, Penn., and Sedgley, Staffordshire, miller, Jan. 15, Birmingham. *Off. Ass. Kinnear; Sol. James & Co., Birmingham.*—*Pet. f. Dec. 1.*

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**REES, DAVID**, Llangulake, Glamorganshire, farmer, Jan. 4, Neath. *Off. Ass. Morgan; Sol. Kemphorne, Neath.*—*Pet. f. Dec. 18.*

**RICHARDS, JOAHNA**, Camborne, Cornwall, grocer, Jan. 2, Redruth. *Off. Ass. Peter; Sol. Stephenson.*—*Pet. f. Dec. 18.*

**RIDING, ROBERT**, Altrincham, Chester, joiner, Jan. 7, Manchester. *Off. Ass. Herniman; Sol. Swan, Manchester.*—*Pet. f. Dec. 18.*

**RILEY, RICHARD**, Birmingham, out of business, Jan. 18, Birmingham. *Off. Ass. Guest; Sol. Duke, Birmingham.*—*Pet. f. Dec. 18.*

**ROBERTS, JOHN**, Holywell, Flintshire, chemist, Jan. 9, Liverpool. *Off. Ass. Turner; Sol. Evans & Co., Liverpool.*—*Pet. f. Dec. 18.*

**SCHOFIELD, JAMES**, Oldham, Lancashire, labourer, Jan. 15, Lancaster. *Off. Ass. Dunn; Sol. Garner, Manchester.*—*Pet. f. Nov. 28.*

**SIMPSON, THOMAS**, Darlington, Durham, hairdresser, Jan. 5, Darlington. *Off. Ass. Bower; Sol. Nixon, Darlington.*—*Pet. f. Dec. 17.*

**STIRLING, HENRY**, Gleadless and Sheffield, accountant, Jan. 9, Sheffield. *Off. Ass. Young; Sol. Fernel, Sheffield.*—*Pet. f. Dec. 17.*

**TAYLOR, EDWIN**, Kidderminster, Worcestershire, beer-house keeper, Jan. 6, Kidderminster. *Off. Ass. Talbot; Sol. Corbet, Kidderminster.*—*Pet. f. Nov. 17.*

**TAYLOR, WILLIAM**, Blackpool, Lancashire, waste dealer, Jan. 9, Liverpool. *Off. Ass. Turner.*—*Adj. Dec. 17.*

**VAWV, RICHARD**, Birmingham, tarpaulin manufacturer, Jan. 15, Birmingham. *Off. Ass. Kinnear; Sol. East, Birmingham.*—*Pet. f. Dec. 16.*

**VICKERS, TOM**, Leeds, staymaker, Jan. 15, Leeds. *Off. Ass. Sangster; Sol. Simpson, Leeds.*—*Pet. f. Dec. 8.*

**WOOD, JOHN**, Fendleton, near Manchester, slate dealer, Jan. 15, Lancaster. *Off. Ass. Dunn; Sol. Gardner, Manchester.*—*Pet. f. Nov. 30.*

**WYERS, JAMES**, Deepfield, near Bliston, Staffordshire, out of business, Jan. 4, Stafford. *Off. Ass. Walker; Sol. Maltby, Dudley.*—*Adj. Dec. 14.*

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ARNOLD, CHARLES RICHARD EDWIN, Wlgate-street, Bishopsgate-street, out of business, Jan. 11. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 21.*

BURGESS, GEORGE THOMAS, Great Yarmouth, publican, Jan. 11. *Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-shambles, agents for J. L. Cufaude, Great Yarmouth.—Pet. f. Dec. 22.*

EMERINGTON, HENRY WALKER, Great Missenden, Buckinghamshire, draper, Jan. 12. *Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 22.*

FOX, MARK, Woolwich, licensed victualler, Jan. 19. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 21.*

GAMBLE, JOHN, Palmerston-street, Battersea, cab driver, Jan. 12. *Off. Ass. Edwards; Sol. Davies, 9, Union-court, Old Broad-street.—Pet. f. Dec. 19.*

HAVILAND, HENRY MILLS, Westbourne-park-villas, Paddington, collector of subscriptions to a rifle corps, Jan. 11. *Off. Ass. Cannan; Sol. Scott, 52, Guildford-street, Russell-square.—Pet. f. Dec. 22.*

HAWKES, WILLIAM, Deptford, Kent, blacksmith, Jan. 19. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 21.*

HEINE, ERNST, Wigmore-street, Cavendish-square, professional agent, Jan. 12. *Off. Ass. Edwards; Sol. Beard, 10, Basinghall-street.—Pet. f. Dec. 23.*

HODGES, ROBERT, Haydon's-mews, Portobello-road, Kensington, out of business, Jan. 11. *Off. Ass. Cannan; Sol. Mansfield, 1, Ampton-place, Gray's-inn-road.—Pet. f. Dec. 23.*

HOOPER, JOHN, Osborne villas, Haverstock-hill, builder, Jan. 12. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 15.*

HURD, ROBERT, Slate-cottage, Southampton-street, Camberwell, warehouseman, Jan. 12. *Off. Ass. Edwards; Sol. Aldridge, 46, Moorgate-street.—Pet. f. Dec. 21.*

KEMP, THOMAS, Hampstead, plumber, Jan. 12. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 15.*

LANGAN, FRANCIS, Lawrence Pountney-hill, Cannon-street West, and Trafalgar-square, West Brompton, commission agent, Jan. 25. *Off. Ass. Stansfeld; Sol. Abrahams, 17, Gresham-street.—Pet. f. Dec. 12.*

LEVY, SAMSON, and VALENTINE, EMANUEL HENRIQUES, Somerset-street, Aldgate, boot manufacturers, Jan. 12. *Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 19.*

MARTIN, EWONS, Devonshire-street, Kingsland, commission agent, Jan. 25. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 15.*

MARTIN, HENRY, Greenwich, Kent, cheesemonger, Jan. 16. *Off. Ass. Graham; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 21.*

MATTHEWS, HENRY, York-road, King's-cross, soap boiler, Jan. 25. *Off. Ass. Stansfeld; Sol. Cooper, 5, Billiter-street.—Pet. f. Dec. 22.*

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SIMS, JAMES, Saint James's-terrace, Caledonian-road, King's-cross, out of business, Jan. 12. *Off. Ass. Stansfeld; Sol. Jukes, 19, Basinghall-street.—Pet. f. Dec. 22.*

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STANFORTH, GEORGE HAWORTH, Baker-street, Portman-square, secretary to the East of Kent Railway Company, Limited, Jan. 16. *Off. Ass. Stansfeld; Sol. Davies, 6, Old Jewry.—Pet. f. Dec. 22.*

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WATKINS, GEORGE, Portsea, Hampshire, in no occupation, Jan. 11. *Off. Ass. Cannan; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 17.*

WESTROFF, GEORGE WILLIAM, Northumberland-court, Strand, of no occupation, Jan. 12 (and not Dec. 29, as previously advertised). *Off. Ass. Graham; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 15.*

WILLIAMS, HARRY ROBERT, St. Paul's-road, Kennington, plumbers'-tool manufacturer, Jan. 12. *Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 14.*

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BARTON, THOMAS, Wakefield, Yorkshire, worsted manufacturer, Jan. 7, Leeds. *Off. Ass. Young; Sols. Snowden & Co., Leeds.—Pet. f. Dec. 17.*

BIRCHWISTLE, JOHN, Barton-under-Needwood, Staffordshire, farmer, Jan. 11, Birmingham. *Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. f. Dec. 21.*

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CHEETHAM, JOHN HURST (and not HURST, JOHN, as previously advertised), Manchester, salesman, Jan. 9, Salford. *Off. Ass. Hulton; Sol. Lamb, Manchester.—Pet. f. Dec. 18.*

COLLINS, JOHN, Bury, Lancashire, commission agent, Jan. 22, Manchester. *Off. Ass. Hearnshaw; Sol. Gardner, Manchester.—Adj. Dec. 16.*

COLLINS, JOHN, and COLLINS, WILLIAM, Bishop's Castle, Shropshire, builders, Jan. 26, Bishop's Castle. *Off. Ass. Pardo; Sol. Jones, Welshpool.—Pet. f. Dec. 11.*

COOLEY, WILLIAM, Wolverhampton, Staffordshire, hostler, Jan. 14, Wolverhampton. *Off. Ass. Brown; Sol. Underhill, Wolverhampton.*

DAVIES, WILLIAM, Bilston, Staffordshire, draper, Jan. 14, Wolverhampton. *Off. Ass. Brown; Sol. Walker, Wolverhampton.*

DICKINSON, PETER, Newcastle-upon-Tyne, out of business, Jan. 11, Durham. *Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. Dec. 14.*

DUNVILLE, PETER CHADBEAD, Knutsford, Cheshire, innkeeper, Jan. 2, Manchester. *Off. Ass. Pott; Sol. Grundy, Manchester.—Pet. f. Dec. 21.*

EDGE, JOHN, Birmingham, milliner, Jan. 11, Birmingham. *Off. Ass. Whitmore; Sols. Hodgson & Co., Birmingham.—Pet. f. Dec. 17.*

FLETCHER, JOSE, Salford, Lancashire, laundryman, Jan. 9, Salford. *Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Dec. 23.*

FOOTE, WILLIAM, Sunderland, Durham, brushmaker, Jan. 15, Bishopwearmouth. *Off. Ass. Marshall; Sol. Graham, Sunderland.—Pet. f. Dec. 22.*

GAMBLE, THOMAS, Bradford, Yorkshire, commission agent, Jan. 11, Leeds. *Off. Ass. Carrick; Sols. Hill, Bradford; Simpson, Leeds.—Pet. f. Dec. 23.*

GIBSON, RICHARD, Stockport, Cheshire, out of business, Jan. 8, Stockport. *Off. Ass. Coppock; Sol. Howard, Stockport.—Pet. f. Dec. 21.*

GOODWIN, EDWARD, Guilsford, near Welshpool, Montgomeryshire, farmer, Jan. 11, Liverpool. *Off. Ass. Turner; Sols. Cooper, Shrewsbury; Evans & Co., Liverpool.—Pet. f. Dec. 21.*

GRIFFITHS, GEORGE CHARLES, Wrexham, Denbighshire, stationer, Jan. 12, Liverpool. *Off. Ass. Turner.—Adj. Dec. 19.*

GRIFFITHS, WILLIAM, Ruthin, Denbighshire, publican, Jan. 5, Ruthin. *Off. Ass. Edwards; Sols. Adams, Ruthin.—Pet. f. Dec. 11.*

HAIQ, EDWARD, Halifax, Yorkshire, commission agent, Jan. 15, Halifax. *Off. Ass. Dyson.—Adj. Dec. 14.*

HANCHER, WILLIAM FLETCHER, Wolverhampton, Staffordshire, joiner, Jan. 14, Wolverhampton. *Off. Ass. Brown; Sol. Underhill, Wolverhampton.*

HATWARD, JAMES, and BIDDLE, CHARLES, Bilston, Staffordshire, working miners, Jan. 14, Wolverhampton. *Off. Ass. Brown; Sol. Stratton, Wolverhampton.*

HATWARD, JOHN, Hanley, Staffordshire, potter, Jan. 16, Hanley. *Off. Ass. Challinor; Sol. Tennant, Hanley.—Pet. f. Dec. 24.*

HAZEL, WILLIAM JOSIAS, Southsea, Hampshire, bookmaker, Jan. 7, Portsmouth. *Off. Ass. the registrar; Sol. Palford, Portsea.—Pet. f. Dec. 22.*

HOLDSWORTH, JOHN, Clackheaton, Yorkshire, woollen manufacturer, Jan. 11, Leeds. *Off. Ass. Carrick; Sols. Moorman, Bradford; Simpson, Leeds.—Pet. f. Dec. 11.*

HELMES, JAMES, Eccleston, Lancashire, out of business, Jan. 3, St. Helens. *Off. Ass. Ansell; Sol. Marsh, St. Helens.—Pet. f. Dec. 22.*

JONES, DAVID KEAT, Beaumaris, Anglesey, surgeon, Jan. 12, Liverpool. *Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. Dec. 23.*

JONES, JOHN, Bethesda, Carnarvonshire, draper, Jan. 4, Liverpool. *Off. Ass. Morgan; Sol. Blackhurst, Liverpool.—Pet. f. Dec. 21.*

LLOYD, JOSEPH EDWARD, Liverpool, dyestuffs' commission agent, Jan. 13, Liverpool. *Off. Ass. Hime; Sols. Evans & Co., Liverpool.—Adj. Dec. 17.*

M'TEAC, DONALD, Liverpool, out of business, Feb. 1, Liverpool. *Off. Ass. Morgan; Sols. Evans & Co., Liverpool.—Pet. f. Dec. 23.*

MORGAN, OWEN, Birkenhead, Cheshire, builder, Jan. 13, Liverpool. *Off. Ass. Morgan; Sol. Cobb, Liverpool.—Pet. f. Dec. 23.*

MORREY, JOHN, Sandbach, Cheshire, cooper, Dec. 30, Congleton. *Off. Ass. Latham; Sols. Welch & Co., Sandbach and Crewe.—Pet. f. Dec. 19.*

[For continuation of Gazette, see p. 479.]

## CONTENTS.

London Gazette.....	470
Leading Article.....	471
Court Papers:—Equity Sittings for Hilary Term, 1864.....	472
Common-law Sittings, in and after Hilary Term, 1864.....	473

## NAMES OF THE CASES REPORTED.

## COURT OF CHANCERY.

By J. T. HOPWOOD, Barrister at Law.

Coventry v. Barclay.—(Partnership—Deceased partner's share—Mode of valuation—Contin- gent losses—Fund set apart to meet).....	1331
---	------

## COURT OF APPEAL IN CHANCERY.

By C. MARETT, Barrister at Law.

Johnson v. Wyatt.—(Injunction—Ancient lights— Loches—Injury—Damages).....	1338
--	------

## ROLLS COURT.

By C. W. CROUCH, Barrister at Law.

Cood v. Cood.—(Contract relating to land in a fo- reign country—Contract by Englishmen—Ju- risdiction—Lapse of time—Aequiescence).....	1335
--	------

## VICE-CHANCELLOR STUART'S COURT.

By T. F. MORSE, Barrister at Law.

Seale and Another v. Haynes and Another.—(Gift of diamonds—Heirloom—Claim by executor on behalf of creditors—Costs).....	1338
--	------

## VICE-CHANCELLOR STUART'S COURT—(continued).

Hutton v. Beeton and M'Murray.—Beeton v. M'Mur- ray and Hutton.—(Bill dismissed, with costs— Application to discharge receiver, refused with costs).....	1339
---	------

## COURT OF QUEEN'S BENCH.

By H. HOLROYD, Barrister at Law.

Reg. v. The Eastern Counties Railway Company.— (Railway company—Rating).....	1339
---	------

## COURT OF COMMON PLEAS.

By E. BULLOCK, Barrister at Law.

Smith, App., Hall, Resp.—(Parliament—Borough vote—Charity—Recipients of alms—Corpora- tion—2 Will. 4, c. 45, s. 36).....	1340
Robinson, App., Dunckney and Others, Resps.— (Parliament—Election law—County vote— Annual value—Mortgage—Building society— 8 Hen. 6, c. 7—6 & 7 Vict. c. 18, s. 74).....	1349

## COURT OF EXCHEQUER.

By W. BRANDT, Barrister at Law.

Peck, App., Waterloo-with-Seaforth' Local Board of Health, Resps. (Local board of health— "Owner"—Notice).....	1344
Easton v. Pratt.—(What covenants are required in a "building or repairing" lease).....	1345
The Keynsham Blue Lias Cement Company (Limited) v. Baker.—(Concurrent jurisdiction—Costs— "Residence" of joint-stock company).....	1346

## THE JURIST.

LONDON, JANUARY 2, 1864.

THOSE who consider "writing" essential to the existence of law, or at least of good law, and consequently insist on the necessity of reducing the law of every country to the form of a code, are bound to contend, as indeed some of them do, that the principle should not be confined to municipal law, and that the law of nations must be codified also. But supposing this desirable, a position very questionable in itself, how is it to be accomplished? Evidently in no other way than by agreement among the different nations of the earth to replace the present system of international law by a written one. This, however, is not what is meant by those who advocate a code of international laws. They mean a code of *European* international law to be established by a congress of *European* nations—a body which at most could only make laws to bind those whom it represents, for it would be the height alike of injustice and absurdity to suppose that nations who are beyond the limits of Europe—although not beyond what no people can ever be beyond, the primary laws of nature and nations—could be bound by laws to the making of which they were not parties.

We allude to this subject at present, because the actual state of Europe at this moment illustrates practically the insurmountable difficulties that would attend the execution of such a plan, even so far as affects that portion of the globe. The Emperor of the French has, as is well known, invited all the powers of Europe to meet in congress, for the purpose of settling, or unsettling, as the case may be, the relations of the different States to

each other, and perhaps to arrange a redistribution of its soil—an invitation which a majority of those powers, chiefly of second and inferior classes, have accepted with more or less eagerness, while the first-rate powers stand aloof. Nor is this latter circumstance to be wondered at. Suppose a congress of nations assembled, either to reconstruct the map of Europe, or to draw up a code of international law, or for some other purpose, are all its members to have equal rights and voices, in virtue of their sovereign independence? Is Switzerland or Belgium, for instance, to have *one* vote in the congress, while France or Russia is to have *no* more? And in drawing up rules to regulate maritime warfare, is every State, which, like many of the German States, has no navy because it has no sea coast, or which, like Prussia, has but a small one, to have one vote, while England, whose very existence as a first-class power depends on her navy is to have *no* more? The injustice of such a system would be gross, and yet how could it be prevented? Who is to determine *a priori* the precise number of votes to which each State would be fairly entitled, taking into account its size, population, intelligence, wealth, &c.?

Nor is this all. Passing events disclose another source of difficulty in the fact, that while a nation is disposed to act in a particular manner, it may after all be only an imperium in imperio. Austria and Prussia are the two principal powers of Germany; each ranks among what are called the great powers of Europe; and we make no doubt either would feel highly indignant at any suggestion that it was not thoroughly independent, and able to think and act for itself. But how is this in reality? Some years ago those powers executed a treaty, to which other States were parties, whereby important arrangements

were made respecting the kingdom of Denmark. But now the German Confederation, consisting of upwards of thirty States, including the two we have mentioned, seems to disapprove of that treaty. At a meeting of the Diet, Austria and Prussia might be outvoted at any moment on that question, and reduced to the humiliating and absurd position of declaring that what they did in their individual capacities was not binding on them as members of the Confederation, and that as members of it they would be bound even to take up arms to oppose that which as individuals they approved, and had solemnly pledged themselves by treaty to uphold.

Lastly, there is the old distinction between *de jure* and *de facto* governments, which seems likely to receive a curious and somewhat novel illustration on the other side of the Atlantic. Ten of the United States of America have declared themselves independent, and set up a government for themselves, which they are seeking to uphold by force of arms. Their right thus to secede from the Union being denied by the general government, which looks on them in the light of rebels, the President has just issued a proclamation, declaring that one-tenth part of the population in any of the revolted States may set up a State government, which will be recognised as its *de jure* government by the general government. The complications likely to arise from this, especially in the event of any foreign powers recognising the present rulers of the Southern States, either as their *de jure* or *de facto* governments, may easily be conceived.

We do not, however, mean to assert that congresses of nations for settling disputed questions of international law are without their use, of which a memorable instance is supplied by the congress at Paris in 1856, although its value has been overrated. Some of its rules, such as that which prohibits paper blockades, although most valuable in themselves, are only declaratory of the law of nations which had been violated in previous wars; and, after all, its dicta only bind the nations who were parties to, or which have since ratified, it. It prohibits privateering, but one great naval people—the United States of America—which was no party to that congress, refused to submit to this. It is impossible to contend that privateering is either *malum in se*, or forbidden by the general law of nations, and (as has been amply illustrated by the contest now raging in America) in a war between a strong and a weak maritime State, privateering is the most powerful weapon in the hands of the latter, for a privateer can be equipped at a much cheaper rate, and far more expeditiously, than a man-of-war, and a great maritime nation has an enormous amount of commerce which no fleet is numerous enough to protect completely. It is, therefore, highly improbable that the condemnation of privateering will for a long time, if ever, become a received principle of international law.

Suppose, however, all difficulties overcome, and a code of international law drawn up, so perfect that no possible case remains unprovided for by its text, there remain the questions, in what language is it to be promulgated? and, as no language is free from ambiguities, to whom is the construction of its provisions to be intrusted? And suppose a nation, or body of nations, to set at defiance those provisions, whether well or ill interpreted, there would remain no other mode of bringing them to obedience than the *ratio ultima belli*.

## Court Papers.

### EQUITY SITTINGS, HILARY TERM, 1864.

#### Court of Chancery.

##### Before the LORD CHANCELLOR.

###### At Lincoln's Inn.

Monday ....	Jan. 11	Appeal Motions and Appeals.
Tuesday .....	12	Petitions and Appeals.
Wednesday ....	13	Appeals in Bankruptcy and Appeals.
Thursday .....	14	Appeal Motions and Appeals.
Friday .....	15	Appeals.
Saturday .....	16	Appeals in Bankruptcy and Appeals.
Monday .....	18	Appeals.
Tuesday .....	19	Appeals.
Wednesday ....	20	Appeals in Bankruptcy and Appeals.
Thursday .....	21	Appeal Motions and Appeals.
Friday .....	22	Appeals.
Saturday .....	23	Appeals in Bankruptcy and Appeals.
Monday .....	25	Appeals.
Tuesday .....	26	Appeals.
Wednesday ....	27	Appeals in Bankruptcy and Appeals.
Thursday .....	28	Appeal Motions and Appeals.
Friday .....	29	Appeals.
Saturday .....	30	Petitions and Appeals in Bankruptcy and Appeals.
Monday ....	Feb. 1	Appeals.

##### Before the LORDS JUSTICES.

###### At Lincoln's Inn.

Monday ....	Jan. 11	Appeal Motions and Appeals.
Tuesday .....	12	Appeals.
Wednesday ....	13	Appeals.
Thursday .....	14	Appeal Motions and Appeals.
Friday .....	15	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	16	Appeals.
Monday .....	18	Appeals from the County Palatine of Lancaster and Appeals.
Tuesday .....	19	Appeals.
Wednesday ....	20	Appeals.
Thursday .....	21	Appeal Motions and Appeals.
Friday .....	22	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	23	Appeals.
Monday .....	25	Appeals.
Tuesday .....	26	Appeals.
Wednesday ....	27	Appeals.
Thursday .....	28	Appeal Motions and Appeals.
Friday .....	29	Petitions in Lunacy, Appeal Petitions, and Appeals.
Saturday .....	30	Appeals.
Monday ....	Feb. 1	Appeals.

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

##### Before the MASTER OF THE ROLLS.

###### At Chancery-lane.

Monday ....	Jan. 11	Motions.
Tuesday .....	12	General Paper.
Wednesday ....	13	General Paper.
Thursday .....	14	Motions and General Paper.
Friday .....	15	General Paper.
Saturday .....	16	Petitions, Short Causes, Adjoined Summons, and General Paper.
Monday .....	18	General Paper.
Tuesday .....	19	General Paper.
Wednesday ....	20	General Paper.
Thursday .....	21	Motions and General Paper.
Friday .....	22	General Paper.
Saturday .....	23	Petitions, Short Causes, Adjoined Summons, and General Paper.
Monday .....	25	General Paper.
Tuesday .....	26	General Paper.
Wednesday ....	27	General Paper.

Thursday .....	28	Motions and General Paper.
Friday .....	29	General Paper.
Saturday .....	30	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .... Feb. 1		General Paper.

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

*At Lincoln's Inn.*

Monday .... Jan. 11	}	Motions, Adjourned Summonses, and General Paper.
Tuesday .....		General Paper.
Wednesday .... 13	}	Motions, Adjourned Summonses, and General Paper.
Thursday .....		General Paper.
Friday .....	}	Petitions, Adjourned Summonses, and General Paper.
Saturday .....		Short Causes, Adjourned Summonses, and General Paper.
Monday .....	}	General Paper.
Tuesday .....		General Paper.
Wednesday .... 20	}	Motions, Adjourned Summonses, and General Paper.
Thursday .....		General Paper.
Friday .....	}	Petitions, Adjourned Summonses, and General Paper.
Saturday .....		Short Causes, Adjourned Summonses, and General Paper.
Monday .....	}	General Paper.
Tuesday .....		General Paper.
Wednesday .... 27	}	Motions, Adjourned Summonses, and General Paper.
Thursday .....		General Paper.
Friday .....	}	Petitions, Adjourned Summonses, and General Paper.
Saturday .....		Short Causes, Adjourned Summonses, and General Paper.
Monday .... Feb. 1		General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.*

*At Lincoln's Inn.*

Monday .... Jan. 11	}	Motions and Causes.
Tuesday .....		Causes.
Wednesday .... 13	}	Causes.
Thursday .....		Causes.
Friday .....	}	Petitions and Causes.
Saturday .....		Short Causes and Causes.
Monday .....	}	Motions.
Tuesday .....		Causes.
Wednesday .... 20	}	Causes.
Thursday .....		Causes.
Friday .....	}	Petitions and Causes.
Saturday .....		Short Causes and Causes.
Monday .... Feb. 1		Motions.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

No Cause, Motion for Decree, or Further Consideration, except by order of the Court, may be marked to stand over, if it shall be within twelve of the last cause or matter in the printed paper of the day for hearing.

*Before the Vice-Chancellor Sir W. P. WOOD.*

*At Lincoln's Inn.*

Monday .... Jan. 11	}	Motions and General Paper.
Tuesday .....		General Paper.
Wednesday .... 13	}	General Paper.
Thursday .....		General Paper.
Friday .....	}	Motions and General Paper.
Saturday .....		General Paper.
Monday .....	}	Petitions, Short Causes, and General Paper.
Tuesday .....		General Paper.
Wednesday .... 20	}	General Paper.
Thursday .....		General Paper.
Friday .....	}	Motions and General Paper.
Saturday .....		General Paper.
Monday .... Feb. 1		General Paper.

N. B.—Any Causes intended to be heard as Short Causes, must be so marked at least one clear day before the same can be put in the paper to be so heard.

### NISI PRIUS SITTINGS, IN AND AFTER HILARY TERM, 1864.

#### Court of Queen's Bench.

*In Term.*

MIDDLESEX.	LONDON.
1st sitting, Tuesday.. Jan. 12	1st sitting, Monday.. Jan. 18
2nd sitting, Wednesday .. 20	2nd sitting, Monday .... 25
3rd sitting, Wednesday .. 27	
For undefended causes only.	

*After Term.*

Tuesday..... Feb. 2	Tuesday ..... Feb. 16
The Court will sit each day at ten o'clock.	
The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.	

#### Court of Common Pleas.

*In Term.*

MIDDLESEX.	LONDON.
Tuesday ..... Jan. 12	Monday ..... Jan. 18
Wednesday ..... 20	Monday ..... 25

*After Term.*

Tuesday..... Feb. 2	Monday ..... Feb. 15
The Court will sit each day at ten o'clock.	
The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.	

#### Exchequer of Pleas.

*In Term.*

MIDDLESEX.	LONDON.
1st sitting, Tuesday.. Jan. 12	1st sitting, Monday.. Jan. 18
2nd sitting, Wednesday .. 20	2nd sitting, Monday .... 25
3rd sitting, Wednesday .. 27	

*After Term.*

Tuesday..... Feb. 2	Monday ..... Feb. 15
The Court will sit each day at ten o'clock.	
The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.	

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed James Abert Freeman, Gent., of Brighton, Sussex, to be a Commissioner to administer oaths in the High Court of Chancery in England.

# INDEX OF PRINCIPAL MATTERS

IN

## VOLUME IX.—NEW SERIES.

### A.

**ACCIDENTS** on railways. On the legal responsibility of the traffic owner, 211

**ACTION** against owner of animal for injury, 363

**ADMIRALTY.** Collision when both vessels are in default, 400

**ADVOCATE.** See **BARRISTER.**

**AFFIRMATIONS IN LIEU OF OATHS.** On Sir J. Tre-lawny's bill, 115

**ALABAMA.** On the case of the, 123

**ALEXANDRA.** The case of, 399

**ANCIENT LIGHTS.** Notice of cases, 175

**ANIMAL.** Liability of owner for injury by, 363

### APPOINTMENTS TO OFFICIAL PROMOTIONS:

Sir John B. Bardley Wilnot to be Judge of County

Court Circuit, No. 43; 32

W. H. Willes to be Judge of County Court Circuit,

No. 54; *ib.*

W. Blanshard to be Judge of County Court Circuit,

No. 1; *ib.*

H. Newton to be a Judge of the High Court of Bombay,

35

G. S. Venables to be Queen's Counsel, 52

Sir W. Brown to be Sheriff of Lancaster, 54

W. Coulson to be Sheriff of Cornwall, *ib.*

Sir Walter Riddell to be Judge of County Court Circuit,

No. 39; 75

W. Spooner to be Judge of County Court Circuit,

No. 26; *ib.*

E. J. Lloyd, Q. C., to be Judge of County Court Circuit,

No. 54; *ib.*

G. Campbell to be Judge of High Court at Calcutta, 99

— Selfe to be Magistrate of Westminster Police Court,

117

— Partridge to be Magistrate of Thames Police Court, *ib.*

J. Spooner to be Stipendiary Magistrate at Wolver-

hampton, *ib.*

J. Beaumont to be Chief Justice of British Guiana, 170

W. Hackett to be Chief Justice of the Supreme Court of

the Gold Coast, *ib.*

T. L. Ingram to be Advocate and Police Magistrate on

the River Gambia, *ib.*

W. Holloway to be a Judge of the High Court of

Madras, 178

W. R. Phelps to be Chief Justice of the Supreme Court

of St. Helena, 207

George Loch to be Queen's Counsel, 240

Arthur Gore Lloyd to be Attorney and Solicitor in the

Duchy of Cornwall, *ib.*

Edward James, Q. C., to be Attorney-General of Lan-

caster, 255

R. V. Williams to be Judge of County Court Circuit,

No. 23; 263

James Huggins, to be Queen's Advocate for Sierre Leone,

272

Sir C. M. O'Loughlen to be Member of Parliament for

the County of Clare, 294

Sir J. P. Wilde to be Judge of the Court of Probate, 318

T. M. Shervington to be Attorney-General of the Island

of Grenada, 343

Right Hon. J. D. Fitzgerald; M. Longfield; Sir W.

Atherton; Sir R. J. Phillimore; Sir T. Staples;

Right Hon. Thomas O'Hagan; R. P. Collier;

R. B. Follett; H. C. Rothery; and John Hazlett,

to be Commissioners to inquire into the Com-

### APPOINTMENTS TO OFFICIAL PROMOTIONS—(con- tinued).

stitution &c. of the Court of Admiralty in Ire-  
land, *ib.*

G. Pigott to be Baron of the Court of Exchequer, 359

Sir R. Palmer to be Attorney-General, *ib.*

R. P. Collier to be Solicitor-General, *ib.*

Sir R. Palmer to be Member of Parliament for Rich-

mond, 373

R. P. Collier to be Member of Parliament for Ply-

mouth, *ib.*

G. J. S. Lefevre to be Member of Parliament for Read-

ing, *ib.*

W. Marshall to be Official Reporter to Supreme Court

of Calcutta, 387

W. H. Cooke to be Queen's Counsel, 394

J. Gray to be Queen's Counsel, *ib.*

J. J. Powell to be Queen's Counsel, *ib.*

H. Mills to be Judge of the High Court of Judicature

at Fort William, Bengal, 402

T. Phian to be Counsel to the Admiralty, and Judge

Advocate of the Fleet, 410

**ARRANGEMENT CLAUSE** of the Bankruptcy Act; *Ex*

*parte Morgan*, 49, 92, 212. See **BANKRUPTCY.**

**ASSIGNMENT** of future property valid in equity. Case of

*Holroyd v. Marshall*, 91

**ATKINSON v. HOLBY.** Case of, 204, 236, 261

**ATTORNEY.** On the rule that he may not receive a gift

from his client. Case of *O'Brien v. Lewis*, 203

**ATTORNEY-GENERAL v. FLOYER.** On the case

of, 29

**AUSTIN, JOHN.** His observations on codification stated

and criticised, 321

### B.

**BANKRUPTCY.** On the arrangement clauses in the Bank-

ruptcy Amendment Act; *Ex parte Morgan*, 49, 92,

312

as to registration of deeds of arrangement, 124

unregistered deeds of arrangement not to be received in

evidence. Case of *Ex parte Wensley*, 134, 153,

168

unconstitutional regulation as to the hearing of bank-

ruptcy appeals, 218

rules and orders for practice in county courts, 430

**BAR** and the Inns of Court in early times. Article from

the *Saturday Review* on, 62

committee on the reporting system, 463. See **REPORT-**

**ING.**

disreputable squabble at the Middlesex sessions, 39, 71

tariff for counsel's fees in Canada, 169

suggestion as to the payment of fees by crossed cheques,

82

disability of barrister to contract for or recover compen-

sation for his services, 19

case of *Kennedy v. Brown*, *ib.*

**BAR.** Calls to the:

Hilary Term, 1863; 31

Easter Term, 1863; 169

Trinity Term, 1863; 216

**BELLIGERENTS.** On the sale of ships to, 123

on the rights of, as to neutral vessel, 151

### BILLS IN PROGRESS:

partnership law amendment, 117

security from personal violence, 106

jurors' remuneration, 170

for revision of the statute-law, 268

**BLOCKADE.** As to the rights of belligerents, 161  
**BOND.** As to condition of bond for securing instalments and interest on arrears, 459  
**BRETHERTON, R.** Manual of Laws affecting the Qualifications, &c. of Parliamentary Voters, &c., reviewed, 292  
**BYLES, Sir J. B.,** on Bills of Exchange, &c., reviewed, 21

C.

**CAPITAL PUNISHMENT.** On the objections to public execution, 371  
**CASE LAW** revision, 365  
**CHALLENGE** to draftsmen. Bond for instalments and interest, 459  
**CHANCELLOR, LORD.** On the speech of, on the revision of the law, 223, 243, 251, 254, 293, 307, 323 the speech set forth, 225 regulation as to hearing bankruptcy appeals—unconstitutional, 313  
**CHANCERY.** On the improvement of proceedings in, 27 English and Irish Law and Chancery Commission, report of, 392, 410, 420  
**CIRCUITS.** Alteration of, 458  
**CHITTY, C.** Forms of Proceedings in Queen's Bench, &c., reviewed, 21  
**CODIFICATION.** On, 251 the opinions of the late John Austin stated and criticised, 331, 339 on the Lord Chancellor's speech, 223, 243, 251, 254, 293, 307, 323 of international law, 471  
**COLE, W. R.** Edition of Woodfall's Landlord and Tenant, reviewed, 197  
**COLLARD v. ROE.** Case of, 324  
**COLLISIONS.** On the rule when both vessels are in fault, 409  
**COMMISSION** to inquire into English and Irish Law and Chancery Practice, report of, 392, 410, 420  
**COMMISSIONER TO ADMINISTER OATHS IN ADMIRALTY:**  
 George Henry Knight, Rochester, 264  
**COMMISSIONERS TO TAKE THE ACKNOWLEDGMENTS OF MARRIED WOMEN:**  
 Bath, Somersetshire, Thomas Frederick Inman, Bath, 327  
 Bedford, George Bailey, Luton, 86  
 Bucks, Henry Watson, Aylesbury, 311  
 Derby, Joseph Francis Kingdon, Wicksworth, 66  
 — Alfred Alderson, Eckington, 86  
 Dorset, George James Andrews, Dorchester, 311  
 — Andrew Tucker, Charemouth, 86  
 Durham, Christopher Thomas Potts, Sunderland, 154  
 Hants, Charles Hamilton, Emsworth, 86  
 Kent, William Gorham, Tonbridge, 117  
 Lancaster, J. S. Marshall, Wigan, 23  
 — Zachariah Mellor, Rochdale, 86  
 — Edward Martin Wright, Bacup, 318  
 Lindsey, Frederick Sharpley, Louth, 86  
 Leicester, Harry James Davis, Leicester, *ib.*  
 London, Westminster, and Middlesex, William Bevan, 6, Old Jewry, 86  
 — Edward Brydges Hardisty, 43, Great Marlborough-street, 364  
 — George Hollings, Carlton-chambers, Regent-street, 66  
 — Henry Rickards, 29, Lincoln's-inn-fields, 154  
 — Edward Walmisley, 25, Abingdon-street, 311  
 Suffolk and Norfolk, Edward Brown Flske, Beccles, *ib.*  
 Norwich City, and Norfolk, Peter Edward Hansall, Norwich, 171  
 Northumberland, Charles Alexander Adamson, North Shields, 86  
 Nottingham, Henry Sweet Hodding, Worksop, 110  
 Salop, George Brydges Rodney Anderson, Ludlow, *ib.*  
 Somerset, Benjamin Boucher, Wivelacombe, 66  
 Sussex, Edward Hillman, Lewes, 86  
 Worcester, James Samuel Bourne, Dudley, *ib.*  
 Worcester and Stafford, Henry Rogers, Stourbridge, 66

**COMMISSIONERS TO TAKE THE ACKNOWLEDGMENTS OF MARRIED WOMEN—(continued).**  
 York (East Riding), James Powell, Pocklington, 86  
 York (West Riding), Henry Parker Badger, Rotherham, 154

**COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY:**

Barnsley, Thomas Greensit Hamer, 240  
 Belper, Joseph Bland Walker, 310  
 Brighton, Albert Freeman, 473  
 Burnley, Robert Hardsley, 162  
 Cardiff, William Charles Sward, 110  
 Derby, Benjamin Scott Currey, 35  
 Lampeter, David Lloyd, 310  
 Leamington Priors, Charles Edward Large, 110  
 London, William Blake, South Sea House, City, 264  
 — Robert Boulton, 24, Argyle-square, 110  
 — William Clarke, 18, Kensington Park-gardens, 138  
 — Frederick George Denny, Hanover Park, Peckham, 459  
 — John Logan Grover, 150, Pentonville-road, 207  
 — Joseph Hall, 21, Coleman-street, 199  
 — William Champain Hall, Kensington-gardens, 272  
 — William Grosvenor Whitehouse Naylor Jennings, 18, Bennett's-hill, Doctors'-commons, 35  
 — Geo. Roger Longden, 1, Bennett's-hill, Doctors'-commons, 411  
 — Robert Piggett Oldershaw, 74, Warwick-square, Piccadilly, 199  
 — Robert Parker, Greenwich, 35  
 — Sampson Samuel, 31, New Broad-street, 199  
 Manchester, Francis Hampson, 240  
 Mansfield, John Jesse Handley, 310  
 North Shields, John Fenwick, 319  
 Nottingham, Henry Wing, 86  
 — George Littlewood Cowley, 138  
 Penzance, Rowland Augustus Griffiths Davies, 240  
 Stourbridge, Joseph Walker, 110  
 Tonbridge, George Daniel Warner, 451

**COMMISSIONERS TO ADMINISTER OATHS AT COMMON LAW:**

Lancaster, C. J. Allen, 20, Bedford-row, 22  
 London, Frederick Wm. Denny, 13, Austin-frirs, 458  
 — Henry Jackson, 15, St. Helen's-place, 54  
 — Frederick West, 3, Charlotte-row, Mansion-house, 294

**COMMISSIONER TO TAKE BAIL AND AFFIDAVITS, AND EXAMINE WITNESSES FOR SUPREME COURT OF QUEENSLAND:**  
 John William Hawkins, 240

**COMMON LAW.** The opinion of the late John Austin as to codification stated and examined, 331, 339 on plans for the improvement of, 299, 365, 374, 391 on the Lord Chancellor's speech on the revision of, 223, 243, 251, 254, 293, 307, 323 on the Lord Chancellor's plan for a digest, 293, 323, 365, 374, 391

**COMPANY.** On the liabilities of directors and officers of, for misrepresentation, 59

**COMPOUND INTEREST.** As to the legality of a mortgage for securing, 117

**CONSULAR JURISDICTION** in the Ottoman empire. On the Order in Council for regulating, 79

**CONVEYANCE.** As to requiring the concurrence of the dower trustee. Case of *Collard v. Roe*, 324 of separate estate in fee in land. Cases of *Harris v. Mott* and *Lechmere v. Brotheridge*, 244, 277

**CONVICTS.** Explanation in Parliament respecting the treatment of, 49 on the report of the commissioners as to the treatment of, 267, 275, 283.

**COUNSEL.** See BAR.

**COUNSEL'S FEES, tariff of, in Canada, 169**

**COUNTY COURTS.** On the bill to prohibit actions in the superior courts for debts under 20*l.*, 131 on allowing equitable relief in, 27 general order for practice in bankruptcy, 490 rules and orders for practice in, generally, 436



## COURT PAPERS:

equity sittings after Hilary Term, 1863; 32  
 equity sittings, Easter Term, 1863; 108  
 equity sittings, Trinity Term, 1863; 177  
 equity sittings after Trinity Term, 1863; 216  
 equity sittings, Michaelmas Term, 1863; 375  
 equity sittings after Michaelmas Term, 1863; 418  
 equity sittings for Hilary Term, 1864; 472  
 equity cause lists, Hilary Term, 1863; 13  
 equity cause lists after Hilary Term, 1863; 53  
 equity cause lists, Easter Term, 1863; 145  
 equity cause lists, Trinity Term, 1863; 186  
 equity cause lists after Trinity Term, 1863; 229  
 equity cause lists, Michaelmas Term, 1863; 385  
 equity cause lists after Michaelmas Term, 1863; 440  
 common law sittings, Hilary Term, 1863; 6  
 common law sittings, Easter Term, 1863; 135  
 common law sittings in and after Trinity Term, 1863;  
 178  
 common law sittings in and after Mich. Term, 1863; 376  
 common law sittings in and after Hilary Term, 1864;  
 473  
 common law cause lists, Hilary Term, 1863; 6  
 common law cause lists, Easter Term, 1863; 154  
 common law cause lists, Trinity Term, 1863; 188  
 common law cause lists, Michaelmas Term, 1863; 377,  
 386, 402

COURT OF PROBATE. Alteration of fees in, 117

COURTS. On Mr. Bouverie's bill for prohibiting actions in  
 the superior courts for debts under £20L, 131  
 renewal of project for centralisation of, 421

COURTS OF LAW. Debate on the state of the buildings,  
 281

CREDITORS. See DEBTOR AND CREDITOR.

COURTS MARTIAL. On the procedure in, 427

CRESSWELL, Sir C. Obituary notice of, 285

CRIMINAL LAW. On the distinction between felonies and  
 misdemeanours, 383

the theory of punishment, 284

on the inadequate punishment of personal violence, 41

explanations in Parliament respecting the treatment of  
 convicts, 49

on Mr. Adderley's bill for the punishment of garotting,  
 103

flogging as a punishment, *ib.*

on the report of the commissioners as to transportation  
 and penal servitude, 267, 275, 283

"CRIMINAL PROCEEDING." What is, 11

CRIMINALS. On the present treatment of, 64

letter by Joshua Williams, Esq., on the management of,  
 51

CROSS REMAINDERS, implication of. Case of *Atkinson*  
*v. Holtby*, 204, 237, 261

## D.

DANIEL, W. T. S., Esq. Suggestions for an alteration of  
 the present system of law reporting, 204, 213, 249

DAY, J. C. F. S. The Common-law Procedure Act, &c., re-  
 viewed, 325

DEBTOR AND CREDITOR. On the arrangement clauses  
 in the Bankruptcy Act, 49, 92, 212

unregistered deed of arrangement not to be received in  
 evidence. Case of *Ex parte Wensley*, 134, 153,  
 168

as to registration of deeds of arrangement, 124

DIGEST of the Common-law on the Lord Chancellor's plan  
 for, 293, 323, 374, 391. See 223, 225, 243, 251, 254,  
 365

of the statute law. As to, 307

DIVORCE. Effect of, on wife's share under the Statute of  
 Distributions, 72

DOWER TRUSTEE. As to requiring the concurrence of.  
 Case of *Collard v. Roe*, 324

DRAKEFORD *v. DRAKEFORD*. Case of, 301

## E.

EASEMENTS. Notice of cases on ancient lights, 175  
 rights of riparian proprietors. Case of *Hodgkinson v.*  
*Ennor*, 415

EDGEELL, HARRY, Esq. Obituary notice of, 199

EDWARDS, TENISON, Esq. On his book "Shall we re-  
 gister title," 61, 108

letter from, on the same subject, 81

"Notanda" reviewed, 161

ENGLISH AND IRISH LAW AND CHANCERY COM-  
 MISSION. Report of, 392, 410

EQUITABLE RELIEF. On allowing, in the superior  
 courts of law and in the county courts, 27

EQUITY. On the fusion of, with law, *ib.*

EQUITY TO A SETTLEMENT of wife's property. Case  
 of *Wallace v. Auldje*, 235, 259, 291

ERRORS. Vulgar legal errors, 358

ESTATE TAIL and cross remainders, implication of. Case  
 of *Atkinson v. Holtby*, 204, 237, 261

EVIDENCE. As to proof on a bill of exceptions of; what  
 took place at the trial, 399

practice under the rule that no one is bound to crimi-  
 nate himself, 133

"not received in evidence;" on the case of *Ex parte*  
*Wensley*, 134, 153, 168

of husband and wife in criminal proceedings; what are  
 such proceedings, 11

points raised in the case of *Parker v. Green*, *ib.*

EXAMINATION of Students. See INNS OF COURT.  
 of articled clerks. See INCORPORATED LAW SOCIETY.

EXCEPTIONS, Bill of. On the mode of proving what took  
 place at the trial, 399

EXCHEQUER. On the appointment of Mr. Baron Pigott,  
 306

EXECUTION. On the objection to public executions, and  
 to capital punishments, 371

## F.

FEES in the Court of Probate. Alteration of, 117  
 tariff for counsel's fees in Canada, 169

FELONY. On the distinction between felony and misde-  
 meanour, 383

FLOGGING. As a punishment, 103

FONBLANQUE, J. S. M., Esq. Retirement of, 153

FOREIGN ENLISTMENT ACT. On the case of *The Ala-*  
*bama*, 123

on Earl Russell's speech at Blairgowrie, 347

FRAUD. Liability of officers of a company for, 59

FRIENDLY SOCIETIES. On some items in the expen-  
 diture of, 326

## G.

GAROTTING. On Mr. Adderley's bill for punishment of,  
 103

GRANT, JAMES, Esq. Obituary notice of, 218

GRANT *v. ELLIS*. Case of, criticised, 315

## H.

HARRIS *v. MOTT*. Case of, 244, 277

HARRISON, W. H., and LEACH, R. H. *Seton's Forms of*  
*Decrees*, &c., reviewed, 215

"HISTORICUS." Review of Letters by, 163

HODGES on Railways, &c., by C. M. Smith, reviewed, 429

HODGKINSON *v. ENNOR*. Case of, 415

HOLROYD *v. MARSHALL*. Case of, 91

HUDSON *v. SLADE*. Case of, 255

award by Sir J. T. Coleridge, 419

HUNTER, C. W. L. Elementary View of Proceedings in a  
 Suit in Equity, reviewed, 360

HUSBAND AND WIFE. Evidence of one against the  
 other in criminal proceedings, 11

effect of divorce on wife's right under the Statute of  
 Distributions, 72

wife's separate estate in fee. Cases of *Harris v. Mott*  
 and *Leckmors v. Broderidge*, 244, 277

wife's equity to a settlement. Case of *Wallace v. Auldje*,  
 235, 259, 291

I.

**IMPLICATION** of estate tail and cross remainders. Case of *Atkinson v. Holtby*, 204, 237, 261

**INCORPORATED LAW SOCIETY:**

results of examinations, Hilary Term, 1863; 31  
results of examinations, Easter Term, 1863; 185  
results of examinations, Trinity Term, 1863; 237  
preliminary examinations, 342  
results of examinations, Michaelmas Term, 1863; 417

**INJURY** by animal, liability of owner for, 363

**INNKEEPERS.** On the bills for regulating the liability of, 143

**INNS OF COURT**, and the Bar in early times. Article from *Saturday Review*, on, 63

results of public examination of students, Hilary Term, 29

rules for public examination of students, Trinity Term, 1863; 95

prospectus of lectures, Trinity Term, 1863; 125

results of examinations, Trinity Term, 1863; 207

rules for public examination of students, Michaelmas Term, 1863; 277

prospectus of lectures, Michaelmas Term, 1863; 266

results of public examination of students, Michaelmas Term, 1863; 403

rules for the public examination of students, Hilary Term, 1864; 449

prospectus of lectures, Hilary Term, 1864; 466

**INTEREST, COMPOUND.** Legality of security for, 117

**INTERNATIONAL LAW.** On the present state of the science, 183

notice of letter by "Historicus," *ib.*

on Earl Russell's speech at Blairgowrie, 347

rights of belligerents with respect to blockade, 151

on the case of *The Alabama*, 123

codification of, 471

**IRISH AND ENGLISH LAW AND CHANCERY COMMISSION.** Report of, 392, 410, 420

J.

**JUDGE.** On the procedure and evidence on a bill of exceptions, 399

**JUDGE'S CHAMBERS.** On the mode of conducting business in, 31

**JURISPRUDENCE.** Notice of F. C. Von Savigny, 214

**JURIDICAL SOCIETY.** Notices of meetings, 13, 31, 52, 86, 152, 170, 207, 231, 411, 456

**JUSTICE, DEPARTMENT OF.** On the Lord Chancellor's plan for, 299, 374

**JUSTICE, MINISTER OF.** On the Lord Chancellor's suggestion for, *ib.*

K.

**KENNEDY v. BROWN.** On the case of, 19  
the case of, in equity, 294

**KINNEAR, J. BOYD.** Letter, proposing a plan of judicial reporting, 457

L.

**LAND REGISTRY, Office of.** Official memorandum as to the mode of proceeding, 82  
Lord St. Leonards on the act, 107

**LAPSE.** When one of the members of a class of legatees is named. Case of *Drakeford v. Drakeford*, 301

**LAW.** The late John Austin's opinions on codification stated and criticised, 331, 339

on the Lord Chancellor's speech on the revision of, 223, 243, 251, 293, 323

the speech set forth, 225, *see* 254

on the Lord Chancellor's plan for a department of justice, 299, 374

anticipation of measures of law reform for the session of 1863; 3, 47

performance of the session, 355

English and Irish Law and Chancery Commission, report of, 392, 410, 420

vulgar legal errors, 358

**LAW AND EQUITY.** On the fusion of, 27

on allowing equitable relief in the superior courts of law and in the county courts, 27

**LAW AMENDMENT SOCIETY.** Report of annual meeting of, 253

**LAW STUDIES** at Oxford. New statute, 62

**LECHMERE v. BROTHERIDGE.** On the case of, 244, 277

**LEGACY.** Lapse when one of a class of legatees is named. Case of *Drakeford v. Drakeford*, 301

**LEGAL ERRORS.** Vulgar, 358

**LEGAL PROCEDURE SOCIETY.** The, 65

**LIABILITY** of owner for injury by animal, 363

**LIGHTS, ANCIENT.** Notice of cases, 175

**LIMITATIONS, Statute of.** Bar of title to rent, &c. Case of *Grant v. Ellis*, 315

**LYNDHURST, LORD.** Obituary notice of, 365

M.

**MACONCHIE, Captain.** On the system of, 51

**MARRIAGE LAW** of England and Scotland. Defect of, 3

**MISDEMEANOUR.** On the distinction between felony and misdemeanour, 383

**MISREPRESENTATION.** On the liability of the directors and officers of a company for, 59

**MORGAN, EX PARTE.** On the case of, 49, 32, 212

**MORTGAGE.** As to the legality of a security for compound interest, 117

N.

**NAME.** The Solicitor-General on the change of, 110

**NEUTRALS AND BELLIGERENTS.** Rights of, 151

**"NOT RECEIVED IN EVIDENCE."** On the case of *Ex parte Wensley*, 134, 153, 168

**NUISANCE.** On the law of, 407

O.

**OATHS.** On Sir J. Trevelyan's bill, for allowing affirmation in lieu of, 115

**O'BRIEN v. LEWIS.** Case of, 203

**OFFENCES.** On the inadequate punishment of personal violence, 41

**OTTOMAN EMPIRE.** On the Order in Council for the regulation of consular jurisdiction in, 79

**OXFORD.** New statute of, as to law studies, 62

P.

**PARKER v. GREEN.** Case of, 11

**PARTNERSHIP.** Abstract of Mr. Scholefield's bill for amending the law of, 117

**PARLIAMENT.** Circuit regulation, 73

crime of violence, 74

results of the session of 1863; 355

remarks on the bill, 105

on the proposal to register sleeping partners, 106

**PENAL SERVITUDE.** On the report of the commissioners as to, 267, 275, 283

**PERSONAL VIOLENCE.** On the inadequate punishment of, 41

**PIGOTT, Mr. Baron.** On the appointment of, 366

**POLICE MAGISTRATES.** On their right to award adequate punishment for personal violence, 41

**PRENTICE, S.** Chitty's Archbold's Practice, reviewed, 21

**PROBATE, COURT OF.** Alteration of fees, 117

**PROCEDURE,** legal and equitable, in England and Ireland. Report of commissioners on, 392

on the mode of proving, on a bill of exceptions, what took place at the trial. Case of *The Alexandra*, 399

on the bill to prohibit actions in the superior courts for debts under 20*l.*, 131

**PUBLIC COMPANY.** Liability of the directors and officers of, for misrepresentation, 52

**PUBLIC EXECUTIONS.** On the objections to, 371

**PUNISHMENT**, the theory of, 284

on the report of the commissioners as to transportation and penal servitude, 267, 275, 283  
on the objection to public executions, 371

**R.**

**RAILWAY COMPANY.** On the legal responsibility of, for accidents, 211

**REGISTRATION** of deeds of arrangement with creditors, 124, 134, 153, 168

**REGISTRY** of title. On Mr. Tenison Edwards's book, 61, 108

letter from Mr. T. Edwards, 81

official memorandum as to the mode of proceeding in the office of land registry, 82

Lord St. Leonards on the act, 107

**REPORTING.** Sketch of the present system, 195

the nature of a reporter's task, 196

as to the amendment of the system, 159, 167

deputation of the Law Amendment Society to the Lord Chancellor, 159, 190

Mr. Daniel's suggestions, 204, 213, 349

requisition for meeting of the bar, 392

notice of meeting of the bar, 428

on the late meeting of the bar, 447, 455, 457, 466

inquiries which should be made by the committee, 463

on reporting in the time of the Year-books, *ib.*

on reporting in the United States, 464

amendments required, 456

letter of G. L. on, 457

plan of judicial reporting, by J. Boyd Kinnear, Esq., *ib.*

**REVIEWS:**

Bills of Exchange. Sir J. B. Byles, 21

Chitty's Archbold's Practice. S. Prentice, 21

Forms of Proceedings in Queen's Bench, &c. T. Chitty, 21

Notanda. T. Edwards, 161

Letters by Historicists on some Questions of International Law, 187

Woodfall's Landlord and Tenant. W. R. Cole, 197

Seton's Forms of Decrees, &c. W. H. Harrison and R. H. Leach, 213

Manual of Laws affecting the Qualifications, &c. of Parliamentary Voters, &c. E. Bretherton, 292

A General View of the Criminal Law of England. J. F. Stephen, 302, 308

Essay on Waste, &c. G. Yool, 325

Common-law Procedure Act, &c. J. C. F. S. Day, *ib.*

Introduction to Law Studies. S. Warren, 333

Hunter's Elementary View of the Proceedings in a Suit in Equity. G. W. Lawrence, 364

Hodges on Railways, &c. C. Smith, 420

**ROAD MURDER**, the, rumours respecting, 138

**ROLFE v. PERRY.** On the case of, 72

**RULES AND ORDERS:**

Hilary Term, Jan. 13, 1863 (Common Pleas), (acknowledgments by married women), 13

Hilary Term, Jan. 13, 1863 (Chancery), (stamping certain orders), *ib.*

(Chancery) Easter Vacation, 1863; 30

(Chancery) Feb. 12, 1863, Accountant-General, 73

(Exchequer, revenue side), November, 1863; 402, 465

(county courts), bankruptcy, 430

(county courts), general practice, 436

**S.**

**SAVIGNY, F. C. VON.** Notice of, 214

**SCOTLAND**, marriage law of, 3

**SEPARATE ESTATE** in fee. Power of wife over fee. Cases of *Harris v. Mott* and *Lockmere v. Brethbridge*, 244, 277

**SETTLEMENT**, wife's equity to, 232, 259, 291

**SHEE, Mr. Serjeant.** Notice of, on appointment to succeed Wightman, J., 459

**SHERIFFS:**

list of appointment for 1863; 42

list of sheriffs and undersheriffs, with their deputies and agents, for 1863; 97

list of sheriffs nominated by the Lords of the Council for 1864; 409

of Cornwall, nomination of, 458

**SHIPPING.** On the rule when both vessels are in default, 400

**SHIPS OF WAR.** On the sale of, to a belligerent, 123

**SLADE, Sir F. W.** Obituary notice of, 294, 303

**SOLICITOR.** See ATTORNEY.

**STATUTE LAW.** On the speech of the Lord Chancellor on the revision of, 223, 243, 251, 254, 293, 307

the speech set forth, 235

on the recent act, and further proposals for the revision of, 307

results of the session of 1863; 355

abstract of bill for revision of, 298

**STEPHEN, J. F.** On Criminal Law, reviewed, 302, 308

**SUCCESSION DUTY.** On the case of *The Attorney-General v. Floyer*, 29

**SWINFEN CASE.** In equity, 294

**T.**

**TAIL, ESTATE** in, and cross remainders, implication of. Case of *Atkinson v. Holtby*, 204, 287, 291

**TICKET** of leave. Form of, 185

**TITLE.** On the registry of, and on Mr. Tenison Edwards's book, 61, 108

**TRANSPORTATION AND PENAL SERVITUDE.** On the report of the commissioners to inquire as to, 267, 275, 283

**TREBLAWNY, Sir J.** On his bill for allowing affirmations in lieu of oaths, 115

**V.**

**VULGAR LEGAL ERRORS**, 358

**W.**

**WALLACE v. AULDJO.** Case of, 235, 259, 291

**WARREN, S.** Introduction to Law Studies, &c., reviewed, 333

**WATER.** Right of riparian proprietors. Case of *Hodgkinson v. Ennor*, 415

**WENSLEY, EX PARTE.** Case of, 134, 153

**WEST INDIAN INCUMBERED ESTATES COURT.** Notice of sales by, 246

**WESTBURY, LORD.** See CHANCELLOR, LORD.

**WIFE.** See HUSBAND.

**WIGHTMAN, MR. JUSTICE.** Obituary notice of, 459

**WILL.** Lapse when one of a class of legatees is named. Case of *Drakeford v. Drakeford*, 301

**WILLIAMS, JOSHUA, Esq.** Letter on the management of criminals, 51

**WILLES, W. H., Esq.** Death of, 40

**WITNESS.** Practice under the rule that no one is bound to criminate himself, 122

**WRANGHAM, D. C., Esq.** Obituary notice of, 107

**Y.**

**YOOL, G. V.** Essay on Waste, &c., reviewed, 325.

**MYERS, THOMAS**, Ecclesfield, Yorkshire, wood agent, Jan. 13, Sheffield. Off. Ass. Wake; Sol. Broadbent, Sheffield.—Pet. f. Dec. 22.  
**PATCH, WILLIAM**, Otterton, Devonshire, wheelwright, Jan. 6, Exeter. Off. Ass. Hirtzel; Sol. Ploud, Exeter.—Pet. f. Dec. 21.  
**REUTLINGER, ELKAN HENRY**, Hulme, Lancashire, beer-seller, Jan. 22, Manchester. Off. Ass. Pott; Sol. Gardner, Manchester.—Adj. Dec. 16.  
**ROBINSON, THOMAS**, Birmingham, out of business, Jan. 14, Wolverhampton. Off. Ass. Brown; Sol. East, Birmingham.  
**ROSCOE, ROBERT**, Horwich, Lancashire, shopkeeper, Jan. 11, Bolton. Off. Ass. Holden; Sol. Hinnell, Bolton.—Pet. f. Dec. 23.  
**ROYLE, THOMAS, and BROWN, MARY ANN**, Manchester, sewing machine dealers, Jan. 7, Manchester. Off. Ass. Hernaman; Sol. Storer, Manchester.—Pet. f. Dec. 21.  
**RYAN, JAMES JOSEPH**, Hulme, Manchester, lithographic printer, Jan. 9, Salford. Off. Ass. Hulton; Sol. Farrington, Manchester.—Pet. f. Dec. 22.  
**SHIPMAN, WILLIAM**, Manchester, baker, Jan. 9, Salford. Off. Ass. Hulton; Sol. Gardner, Manchester.—Adj. Dec. 16.  
**SNOW, WILLIAM**, Birmingham, licensed victualler, Jan. 15, Birmingham. Off. Ass. Kinnear; Sol. Cutler, Birmingham.—Pet. f. Dec. 22.  
**STRINGER, RICHARD**, Wednesfield, Staffordshire, locksmith, Jan. 14, Wolverhampton. Off. Ass. Brown; Sol. Walker, Wolverhampton.  
**TAYLOR, JAMES**, Liverpool, merchant, Jan. 4, Liverpool. Off. Ass. Morgan; Sol. Jones, Liverpool.—Pet. f. Dec. 23.  
**TONGUE, ELIZABETH ANN BARNESLEY**, Brighton, lodging-house keeper, Jan. 13, Brighton. Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. Dec. 31.  
**TUCKER, JOHN**, Tavistock and Okehampton, Devonshire, turnpike-gate keeper, Jan. 9, Okehampton. Off. Ass. Bird.—Adj. Dec. 12.  
**WHITAKER, PETER**, Habergham Eaves, Lancashire, out of business, Jan. 11, Burnley. Off. Ass. Hartley; Sols. Backhouse & Co. Burnley.—Pet. f. Dec. 21.  
**WHITE, JOHN**, Cardiff, Glamorganshire, butcher, Jan. 5, Cardiff. Off. Ass. Langley; Sol. Wilcocks, Cardiff.—Pet. f. Dec. 21.  
**WILKINSON, ABRAHAM**, Bradford, Yorkshire, fishmonger, Jan. 15, Bradford. Off. Ass. Robinson; Sol. Hill, Bradford.—Pet. f. Dec. 22.  
**WINSOM, RICHARD**, Newport, Isle of Wight, grocer, Jan. 9, Newport. Off. Ass. Blake; Sol. Joyce, Newport.—Pet. f. Dec. 23.  
**WOOD, GEORGE**, Nottingham, shoemaker, Jan. 27, Nottingham. Off. Ass. Patchitt; Sol. Heathcote, Nottingham.—Pet. f. Dec. 21.

**BANKRUPTCIES ANNULLED.**

**CLARKE, JOHN THOMAS**, Lincoln, waiter.  
**SELBY, ROBERT**, Bursleigh-street, Strand, wine merchant.

**TUESDAY, Dec. 29.**

**BANKRUPTS.**

*To be heard in London.*

**ABRAHAM, EDWARD**, London-road, Twickenham, auctioneer, Jan. 11. Off. Ass. Stansfeld; Sol. Solomon, 22, Finsbury-place.—Pet. f. Dec. 24.  
**ADAMS, WILLIAM**, Garrett-house, Wandsworth, blacking manufacturer, Jan. 12. Off. Ass. Cannan; Sol. Chidley, 25, Old Jewry.—Pet. f. Sept. 10.  
**BRIGET, CHARLES**, Isle of Wight, Hampshire, coal merchant, Jan. 16. Off. Ass. Graham; Sol. Allen, 64, Chancery-lane.—Pet. f. Dec. 17.  
**COOPER, GEORGE HENRY**, Robert-street, Hampstead-road, wholesale stationer, Jan. 11. Off. Ass. Cannan; Sol. Cooper, 9, Charing-cross.—Pet. f. Dec. 26.  
**GOFFRIE, CHARLES FERDINAND LUDWIG**, Great Russell-street, wine merchant, Jan. 23. Off. Ass. Stansfeld; Sol. Richardson, 15, Old Jewry-chambers.—Pet. f. Dec. 23.  
**LEDGER, GEORGE**, Woolwich, glass merchant, Jan. 25. Off. Ass. Stansfeld; Sol. Dean, 27, New Broad-street.—Pet. f. Dec. 24.  
**LEGGE, ELIZABETH SOPHIA**, Clifton-road, Peckham, out of business, Jan. 16. Off. Ass. Graham; Sols. Harle & Co., 20, Southampton-lumblings, Chancery-lane.—Pet. f. Dec. 23.  
**LUMB, ERASTUS**, Maiden-lane, Covent-garden, licensed victualler, Jan. 16. Off. Ass. Graham; Sols. Child & Co., 62, Cannon-street.—Pet. f. Dec. 17.  
**PIKE, ANTHONY BLANCHARD**, Woolwich, clerk in Woolwich Dock-yard, Jan. 16. Off. Ass. Stansfeld; Sol. Aldridge, 46, Moorgate-street.—Adj. Dec. 21.  
**WALTER, CHARLES**, Saffron-hill, Holborn, licensed victualler, Jan. 11. Off. Ass. Cannan; Sols. Fawle & Co., 7, New-inn, Strand.—Pet. f. Dec. 24.

*To be heard in the Country.*

**BEATTIE, THOMAS**, Greystoke, Cumberland, labourer, Jan. 11, Penrith. Off. Ass. Varty; Sol. James, Penrith.—Pet. f. Dec. 24.  
**BROOKS, WILLIAM**, Nottingham, general servant, Jan. 27, Nottingham. Off. Ass. Patchitt; Sol. Quarles.—Pet. f. Dec. 5.  
**BROWN, ROBERT**, Bradford, Yorkshire, coal merchant, Jan. 14, Leeds. Off. Ass. Young; Sol. Simpson, Leeds.—Pet. f. Dec. 28.  
**BUSEBRIDG, WILLIAM**, Biddenden, Kent, farm bailiff, Jan. 11, Tenterden. Off. Ass. Weller; Sol. Goodwin, Maidstone.—Pet. f. Dec. 22.  
**CHARLTON, CHARLES HENRY VALENTINE**, Leeds, directory compiler, Jan. 15, Leeds. Off. Ass. Sargster; Sol. Harle, Leeds.—Pet. f. Dec. 19.  
**CREAM, PHILIP**, Kingston-upon-Hull, carver and gilder, Jan. 13, Kingston-upon-Hull. Off. Ass. Carrick; Sols. Bell & Co., Hull.—Pet. f. Dec. 23.  
**DESPLAN, HENRY**, Bristol, surgeon, Jan. 19, Bristol. Off. Ass. Harley.—Pet. f. Dec. 11.  
**HAGH, WALTER**, Honley, Yorkshire, butcher's assistant, Feb. 8, Holmfirth. Off. Ass. Jones; Sol. Freeman, Huddersfield.—Pet. f. Dec. 22.  
**HOLROYD, JOHN, and HOLROYD, THOMAS HEFORTH**, Bristol, Yorkshire, joiners, Jan. 14, Leeds. Off. Ass. Young; Sol. Granger, Leeds.—Pet. f. Dec. 24.

**JACKSON, ROBERT**, Western Hill, near Durham, law clerk, Jan. 8, Newcastle-upon-Tyne. Off. Ass. Baker; Sol. Brignall, Durham.—Pet. f. Dec. 19.  
**LECK, JAMES EVERTON**, near Liverpool, timber dealer, Jan. 9, Liverpool. Off. Ass. Morgan.—Adj. Dec. 17.  
**OGBREY, GEORGE**, Pembroke, innkeeper, Jan. 13, Pembroke. Off. Ass. Lanning; Sol. Parry, Pembroke Dock.—Pet. f. Dec. 26.  
**POOL, FREDERICK WILLIAM**, Bristol, beer retailer, Jan. 19, Bristol. Off. Ass. Harley.—Pet. f. Dec. 11.  
**THOMAS, DAVID**, Trevelth, Monmouthshire, colliery proprietor, Jan. 8, Bristol. Off. Ass. Miller; Sols. Lloyd, Pontypool; Henderson, Bristol.—Pet. f. Dec. 16.  
**THOUT, JOSEPH**, Wombwell, Yorkshire, beerhouse keeper, Jan. 31, Barnsley. Off. Ass. Shepherd; Sol. Rogers, Barnsley.—Pet. f. Dec. 23.  
**WATKINS, WILLIAM**, Canon Tyon, Herefordshire, innkeeper, Jan. 12, Hereford. Off. Ass. Reynolds; Sol. Averill, Hereford.—Pet. f. Dec. 24.  
**WILSON, WILKINSON**, Claypath, near Durham, cooper, Jan. 11, Durham. Off. Ass. Bramwell; Sols. Thompson & Co., Durham.—Pet. f. Dec. 24.  
**WOOD, WILLIAM EDWARDS, and GREENWOOD, JAMES YATES**, Tamworth, Warwickshire, brickmakers, Jan. 22, Birmingham. Off. Ass. Kinnear; Sols. Hodgson & Co., Birmingham; Wilson & Co., Sheffield.—Pet. f. Dec. 23.

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Printed by HENRY HANSARD, at his Printing Office, in Parker Street, in the Parish of St. Giles-in-the-Fields, in the County of Middlesex; and published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan-in-the-West, in the City of London, by HENRY SWEET, residing at No. 24, Portchester Terrace, Baywater, in the County of Middlesex.—Saturday, January 2, 1864.

# THE STATUTES

PASSED IN THE SESSION 1863—26 & 27 VICTORIA.

## CAP. I.

An Act to enable Her Majesty to provide for the Establishment of His Royal Highness the Prince of Wales and Her Royal Highness the Princess Alexandra of Denmark, and to settle certain Annuities on Her Royal Highness.

[5th March, 1863.]

Sect. 1. Power to her Majesty to grant an annuity of 40,000*l.* for the establishment of the Prince of Wales and Princess Alexandra on their marriage.

2. Power to her Majesty to grant an annuity of 10,000*l.* to her Royal Highness the Princess Alexandra during her marriage with the Prince of Wales.

3. Power to her Majesty to grant an annuity of 30,000*l.* to her said Royal Highness in the event of her surviving his Royal Highness the Prince of Wales.

4. Annuities granted by this act to be charged on the Consolidated Fund.

## CAP. II.

An Act to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Passage through the Metropolis of Her Royal Highness the Princess Alexandra of Denmark.

[5th March, 1863.]

Sect. I. Provisions of the 7 & 8 Geo. 4, c. 15, and 6 & 7 Will. 4, c. 58, with respect to bills of exchange and promissory notes payable in the metropolis on fast days, &c., to extend to bills, &c. payable on the 7th March, 1863.

2. Notarial charges occasioned by this act not chargeable on persons paying bills, &c.

3. Metropolis to be defined by the 18 & 19 Vict. c. 120.

## CAP. III.

An Act to extend the Credit for Payment of a Portion of the Excise Duty on Malt.

[27th March, 1863.]

Sect. 1. Credit for payment of a portion of the excise duty on malt extended under conditions herein named.

2. Bonds and securities given by makers of malt under former acts to continue in force.

3. Nothing to prejudice immediate proceedings for duties considered in danger.

## CAP. IV.

An Act to extend for a further Period the Provisions of the Union Relief Aid Act of the last Session.

[27th March, 1863.]

Sect. 1. Certain provisions of the 25 & 26 Vict. c. 110, extended.

2. Repayment of sums borrowed.

3. As to the word "expenditure."

4. Provision as to cases of unions situate in more than one county.

5. As to parishes within the union of Mansfield.

6. Power to parishes under separate board of guardians to borrow.

7. Parishes not in union to contribute.

8. Time of issuing orders limited.

9. Construction of act.

Whereas by an act passed in the last session of Parliament provisions were made to enable the board of guardians of certain unions situate wholly or in part within the counties of Lancaster, Chester, or Derby, to obtain temporary aid to meet the extraordinary demands for relief therein, which provisions applied to the expenditure during the quarters of the year ending at Michaelmas and Christmas last only, and it is necessary that such provisions should be extended for a further period: be it therefore enacted, &c.

Sect. 1. That all the provisions of the said act which apply to the expenditure during the quarters of the year ending as aforesaid, shall be extended and apply to the expenditure for the quarters ending respectively at Lady-day and Midsummer-day next.

2. Any sum borrowed under the authority of this act may be repaid by equal annual instalments, not exceeding fourteen.

3. The word "expenditure," in sect. 5 of the said act, shall be construed to include the amount paid under any order of contribution issued by the Poor-law Board pursuant to the said act or this act.

4. When the union applying for aid under this act shall extend into two or more counties, each of such counties shall contribute to such aid; and the amount required shall be apportioned between such counties, according to the annual rateable value of so much of the union as shall be situate within such counties respectively; and where the union required to contribute shall be situate in two or more counties, it shall contribute upon the annual rateable value of so many of the parishes of the union as shall be wholly within the county or counties within which the union applying for aid is situate, and the contribution shall be borne exclusively by such parishes, and shall be apportioned by the guardians between such parishes according to their rateable values respectively, in exoneration of the common fund of the union, anything in the said first-mentioned act to the contrary notwithstanding.

5. The parishes comprised within the Mansfield Union in the county of Nottingham, shall be exempted from the operation of sect. 1 of the said act of the last session.

6. The powers to borrow conferred by sect. 3 of the said act of the last session, and by this act, shall extend to the overseers of any parish under a separate board of guardians in either of the said counties.

7. The several parishes in the said counties not in union, and not under a separate board of guardians, shall contribute in aid according to their annual rateable value.

8. The power of the Poor-law Board to issue their orders under this act shall determine on the 1st September next.

9. This act shall be construed, except as herein provided, in the same manner as the act herein referred to, and all the provisions and enactments therein contained shall be applicable to orders to be issued under the authority of this act.

## CAP. V.

An Act to amend the Law relating to the Royal Naval Coast Volunteers.

[27th March, 1863.]

Sect. 1. Sect. 5 of the 16 & 17 Vict. c. 73, "for the establishment of a body of Naval Coast Volunteers, and for the temporary transfer to the Navy, in case of need, of seafaring men employed in other public services," shall, with respect to every volunteer raised under that act, who, after the passing of this act, enters or re-enters himself as such volunteer, be read as if the words, "but so that no such volunteer be taken or sent beyond 100 leagues from the shore of some part of the United Kingdom," were omitted therefrom.

## CAP. VI.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year 1863.

[27th March, 1863.]

Sect. 1. There shall be applied for the service of the year 1863 the sum of 10,000,000*l.* out of the Consolidated Fund.

2. The Treasury may cause 10,000,000*l.* of Exchequer Bills to be made out in manner prescribed by stat. 43 Geo. 3, c. 1; 4 & 5 Will. 4, c. 15; and 5 & 6 Vict. c. 66.



3. The clauses, &c. in recited acts extended to this act.
4. Interest on Exchequer Bills.
5. Bank of England may advance 10,000,000*l.* on the credit of this act, notwithstanding the 5 & 6 Will. & M. c. 20.
6. Bills prepared by virtue of this act to be delivered to the Bank as security for such advances.
7. Monies raised by bills to be applied to the services voted by the Commons.
8. Exchequer Bills made chargeable upon the growing produce of the Consolidated Fund.

## CAP. VII.

An Act for altering the Duties on Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond.  
[27th March, 1863.]

- Sect. 1. After passing of this act, the following duties on manufactured tobacco to be paid on importation. As to drawbacks on exportation, &c.
2. Commissioners may appoint warehouses for manufacture of tobacco in bond.
  3. Cavendish or negrohead may be manufactured in bond.
  4. Cavendish and negrohead tobacco not to be delivered for home consumption, except on conditions herein specified. Penalty for non-compliance with foregoing conditions.
  5. Account of stock of tobacco and materials remaining in warehouses to be taken, and balances to be struck. Deficiency to be deemed tobacco fraudulently removed.
  6. Penalty on sale, &c. of Cavendish or negrohead tobacco not inclosed and labelled.
  7. Labels to be provided, and forgery thereof punishable by imprisonment with hard labour.
  8. Penalty on vendors failing to obliterate labels on sale of packets before delivery.
  9. Cavendish or negrohead tobacco not to be imported, except to be warehoused.
  10. Importation of tobacco (except Cavendish or negrohead) containing prohibited ingredients to be forfeited.
  11. Commissioners of Customs may make rules and regulations for carrying this act into effect.
  12. Officers of Customs or Inland Revenue may carry out provisions of this act.
  13. How penalties and forfeitures are to be prosecuted for and recovered.
  14. Mode of estimating penalties per value.
  15. This act not to repeal the provisions of stats. 3 & 4 Vict. c. 18, and 5 & 6 Vict. c. 93
  16. Commencement of act. Short title.

## CAP. VIII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.  
[20th April, 1863.]

## CAP. IX.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore.  
[20th April, 1863.]

## CAP. X.

An Act for prohibiting the Exportation of Salmon at certain Times.  
[30th April, 1863.]

- Sect. 1. Short title.
2. "Parts beyond seas" defined.
  3. Export of unclean or unseasonable salmon, or salmon caught at certain times, prohibited.
  4. Recovery of penalties.

## CAP. XI.

An Act for the Registration of Births and Deaths in Ireland.  
[20th April, 1863.]

*Preliminary.*

- Sect. 1. Short title.
2. As to extent of act.
  3. Interpretation of terms.

## PART I.

*Registrar-General.*

4. General register office to be provided, and registrar-general to be appointed. *Proviso as to present registrar-general.*
5. Seal to be provided, and certified copies given at general register office to be sealed therewith.
6. Power to registrar-general, with consent, to alter forms.
7. Officers, clerks, and servants to be appointed.
8. Power to increase salary of registrar-general, which is to include remuneration for all public duties performed by him.
9. Salaries to be paid out of monies provided by Parliament.
10. Power to appoint an assistant registrar-general in case of illness, &c.
11. Regulations to be made for management of office, and for discharge of duties of officers.
12. Registrar-general to furnish to boards of guardians notices setting forth acts required to be done under this act.
13. Fees received by registrar-general to be paid into the Bank to credit of Exchequer.
14. Certain appointments to be exempt from stamp duties.

*Supply of Books and Boxes.*

15. Iron boxes for register books to be provided.
16. Register books to be provided.

## PART II.

*Division of Districts.*

17. Superintendent registrar's district.
18. Registrar's districts.
19. Alterations of districts to be published.

*Register Office.*

20. Register office to be provided by guardians.
21. Power to guardians to borrow money for providing register offices.

*Superintendent Registrars and Registrars.*

22. Appointment of superintendent registrar.
23. Appointment of registrars.
24. Officers of unions and dispensary medical officers ceasing to hold their offices to cease to act under this act.
25. If guardians neglect to appoint superintendent registrars and registrars, Lord Lieutenant to appoint them.
26. Deputy registrars to be appointed.
27. Books, &c. to be transferred on death or removal of superintendent registrar or registrar.
28. Superintendent registrars and registrars to reside in their districts.
29. Exemption of superintendent registrars, &c. from serving on juries, &c.

## PART III.

*Registration of Births and Deaths.*

30. Registrar to learn and register births and deaths, as in Forms (A.) and (B.)
31. Parents and others required to give notice of births within twenty-one days, and information within three months.
32. As to registry after the expiration of three months from birth.
33. Births not to be registered after six months.
34. Name given in baptism may be registered within six months after registration of birth.
35. Provision for name given without baptism after registration. Certificate of birth of child to be in form as in Schedule (F.)
36. Persons present at death and others required to give notice within seven days, and information within fourteen days.
37. Notice to be given of the finding of any new-born child or dead body.
38. Registrar to make entry of finding of jury upon coroner's inquest.
39. Register of children born at sea.
40. Register of persons dying at sea.
41. Register of birth and death of Irish subjects occurring in foreign countries as in Forms (A.) and (B.)
42. Register to be signed by the informant, except as herein stated.
43. Persons may sign by a mark before the registrar.

44. Correction of erroneous entries.
45. Registers of baptisms and burials may be kept as heretofore.

PART IV.

*Medical Certificate of Death.*

46. Medical attendant to transmit certificate of death to registrar.

PART V.

*Returns.*

47. Certified copies of registers of births and deaths to be sent quarterly, and the register books, when filled, to the superintendent registrar.
48. Superintendent registrars to send certified copies of registers of births and deaths to registrar-general.
49. Abstract of registers to be laid annually before Parliament.
50. Indexes to be kept at general register office; searches allowed and certified copies given, by paying fees herein named.

51. Indexes to be made at every superintendent registrar's office, and persons allowed to search them by paying fees herein named.

52. Searches may be made in register book, and certificates given of entries therein by registrars.

*Fees.*

53. Superintendent registrars to be paid for the certified copies sent to general register office.
54. Registrars to make out accounts quarterly.

PART VI.

*Penalties.*

55. Penalty for wilfully giving false information.
56. Penalty for destroying or falsifying register books.
57. Penalty for not duly registering births or deaths, or for losing or injuring registers.
58. Penalty for neglecting to send register books to superintendent registrar.
59. Penalty for improper registry of birth, after six months.
60. Penalty for failing to give notice of birth or death.
61. Penalty for failing to give information to registrar respecting birth or death, &c.
62. Penalty for neglecting to give notice to registrar of finding new-born child, or any dead body.
63. Penalties not exigible if notice given. Notices may be given by post.
64. No penalty where failure not wilful.
65. Penalties how recoverable. Stat. 14 & 15 Vict. c. 93.

CAP. XII.

An Act to abolish the Office of Secretary-at-War, and to transfer the Duties of that Office to One of Her Majesty's Principal Secretaries of State. [4th May, 1863.]

Sect. 1. After passing of this act, office of Secretary-at-War abolished, and duties, &c., transferred to Secretary of State for War.

2. Monies, &c., standing in the name of Secretary-at-War transferred to the name of the Secretary of State for War.

3. Monies, &c., standing to the credit of the Accountant-General in Chancery on account of Secretary-at-War, to be transferred to Secretary of State for War.

4. Orders, &c., to remain in force.

5. Short title.

CAP. XIII.

An Act for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs. [4th May, 1863.]

Sect. 1. *Gardens in squares, &c., of fifty years' standing may be freed from neglect, encroachments, &c., and vested in the Metropolitan Board of Works or other corporate authority; or vested in a committee of rated inhabitants.*

2. *Protection of open spaces from encroachment.*

3. *Expenses how to be defrayed.*

4. *By-laws for management of garden, &c.*

5. *Penalty for injuring garden.*

6. *Certain provisions of the 18 & 19 Vict. c. 120, to be incorporated with this act, and to apply to penalties, &c. imposed by this act. 11 & 12 Vict. c. 43, also to apply.*

7. *Act not to extend to property of the Crown, or to property under the management of the Commissioners of Works, &c.*

8. *Extent of act.*

Sect. 1. Where, in any city or borough, any enclosed garden or ornamental ground has been set apart otherwise than by the revocable permission of the owner thereof in any public square, crescent, circus, street, or other public place, for the use or enjoyment of the inhabitants thereof, and where the trustees, commissioners, or other body appointed for the care of the same, have neglected to keep it in proper order, or where such garden or ground has not been vested in or placed under the management of any trustees, commissioners, or other body for the care of the same, and from the want of such care, or from any other cause, has been neglected, the Metropolitan Board of Works, where the same is in any place under their jurisdiction, except the city of London (where the provisions of this act shall be carried into effect by the corporation of the said city), and the corporate authorities in any other city or borough, shall take charge of the same, putting up a notice or notices to that effect in such garden or ornamental ground, and if after due inquiry the person entitled to any estate of freehold in the same cannot be found, or if it shall be vested in any person by whom it is held, subject to any condition or reservation for keeping the same as and for a garden or pleasure-ground, or that the same shall not be built upon, but not otherwise, shall cause any buildings or other encroachment made therein within the period of twenty years before the passing of this act to be removed, and (if requested by a majority of two-thirds of the owners and of the occupiers of the houses surrounding the same) shall vest such garden or ornamental ground in a committee, consisting of not more than nine nor fewer than three of the rated inhabitants of such houses, to be chosen annually by such inhabitants, in order that the same may be kept as a garden or ornamental ground for the use of such inhabitants; and the vestry or board of any and every parish or district within which the same or any part thereof is situate, shall from time to time cause to be raised the sums required by such committee for defraying the expenses of the maintenance and management of such enclosed garden or ornamental ground, or such part thereof as is situate within their parish or district, by an addition to the general rate to be assessed on the occupiers of such houses; or if the said owners and occupiers shall not agree as aforesaid to undertake the charge of such garden or ornamental ground, the Metropolitan Board of Works or corporate authority aforesaid shall, within six months after the notice hereinbefore mentioned shall have been put up within the same, or within such further time as the said board or authority may think it expedient to allow for such agreement to be come to, vest the same in such vestries or boards, who shall thenceforth take charge of and maintain the same as an open place or street in such manner as shall appear to them most advantageous to the public, subject to the approval of the Metropolitan Board of Works or corporate authority, as the case may require; saving and always reserving to every person and persons, his and their heirs, executors, administrators, and assigns, all such estate, right, title, and interest as he, she, or they would or ought to have had and enjoyed of, in, to, from, or out of the gardens and grounds aforesaid in case this act had not passed.

2. And whereas it is expedient that the same should be carefully protected from undue encroachment, where any right to require that any garden or ornamental ground as aforesaid be kept and maintained as such, or that the same shall not be built upon, shall belong to any person in right of any house or other property, and he shall by notice in writing, signed by him, addressed to the Metropolitan Board of Works, where the same is in any place under their jurisdiction, except the city of London, where the same shall be addressed to the corporation of the said city, or to the corporate authorities in any other city or borough, requesting the said Metropolitan Board of Works or corporate authority to protect the right before mentioned, the said Metropolitan Board of Works or corporate authority, after due inquiry, may, if they shall think fit, accede to such request, and then and thereupon the right of such person to require that such garden or ornamental ground to be maintained as such, or that the same shall not be built upon, shall thenceforth be

vested in such Metropolitan Board of Works or corporate authority, who shall be fully empowered, for and in their own name, to exercise all the rights, powers, and privileges in relation thereto, and take such legal proceedings for asserting, defending, and protecting the same, as the said person might have exercised or taken.

3. Any charge incurred by the Metropolitan Board of Works in the execution of this act shall be deemed to be expenses of the said board, for payment whereof provision is made by the act for the better local management of the metropolis; and the expenses incurred by any corporate authority shall be deemed to be expenses necessarily incurred by them in carrying into execution, within and for their city or borough, the act, intitled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and any other act amending the same.

4. Where any such garden or ground is managed by any committee of the inhabitants of any square, crescent, circus, street, or place, such committee may make, and from time to time revoke and alter, by-laws for the management of the same, and for the preservation of the trees, shrubs, plants, flowers, rails, fences, seats, summer-houses, and other things therein, which by-laws shall be entered in a book kept for that purpose by the committee, signed by the chairman of the meeting at which the same shall be passed, and which book shall and may be produced and read, and taken as evidence of such by-laws, in all courts whatever; and any inhabitant or servant, or other person admitted to such garden by any inhabitant, offending against the same, after they shall have been duly allowed, as hereinafter provided, upon proof thereof before a magistrate acting for the district in which such garden is situate, shall be liable for each offence to a penalty not exceeding 5*l*.: provided always, that such by-laws shall not come into operation until the same shall have been allowed by some judge of one of the superior courts, or by the justices in quarter sessions; and it shall be incumbent on such judge or justices, on the request of such committee, to inquire into any by-laws tendered to them for that purpose, and to allow or disallow the same as they think meet.

5. Any police constable who shall see any person throwing any rubbish into any such garden, or trespassing therein, or getting over the railings or fence, or stealing or damaging the flowers or plants, or committing any nuisance therein, may apprehend such person, under the authority hereby given to him; and any person convicted before any magistrate acting for the district shall be liable for each and every offence aforesaid to a penalty not exceeding 40*s*., or to imprisonment for any period not exceeding fourteen days; and in case it shall be necessary to state in any proceedings the ownership of the property of such garden, flowers, or plants, it shall be sufficient to describe the same as the property of the committee by the name of A. B. and others.

6. The provisions contained in the 225th, 226th, 227th, and 228th sections of the act passed in the session of Parliament held in the 18 & 19 Vict. c. 120, shall be incorporated in this act, and shall apply to any penalty or forfeiture imposed by this act, or any by-law made in pursuance thereof, in and for every matter or thing done, or omitted to be done, within the metropolitan district; and the act passed in the 11 & 12 Vict. c. 43, shall apply to every penalty or forfeiture imposed by this act, or any by-law made in pursuance thereof, for any matter or thing done, or omitted to be done, within any other part of England and Wales.

7. Nothing in this act shall extend to or include any garden, ornamental ground, or other land belonging to her Majesty in right of her Crown or of her Duchy of Lancaster, or any garden, ornamental ground, or other land for the time being under the management of the commissioners for the time being of her Majesty's works and public buildings, or of the commissioners for the time being acting under the Crown Estate Paving Act, 1851, or to any garden, ornamental or other ground, for which special provision is made for the due care and protection thereof by any public or private act of Parliament.

8. Nothing in this act shall extend to Scotland or Ireland.

#### CAP. XIV.

An Act to amend the Law relating to Post-office Savings Banks [4th May, 1863.]

SECT. 1. *As to transfer of accounts of minors.*

2. *On closing of savings banks, funds, &c. to be paid over to Commissioners for Reduction of National Debt. Receipt of trustees on sale of property to be a discharge to purchaser. Security to purchasers.*

3. *Provision when trustees have determined on closing savings banks.*

4. *As to conversion of annuities.*

5. *Power to appoint managers to sign transfer certificates.*

6. *Warrants to be laid before Parliament.*

SECT. 1. In the case of the accounts of minors, or of accounts standing in the names of a minor and any other party, either in a post-office savings bank or in a savings bank established under the laws relating to savings banks, the Postmaster-General in the one case, and the trustees of the savings bank in the other, on the application in writing of the parent or other relative of the minor if under seven years of age, and of the minor himself if above that age, and also of the other party, if any, in whose name the account may stand, shall issue a certificate for the transfer of such account, and of all money standing to the credit of such account, according to the provisions of the 24 Vict. c. 14, s. 10, anything in the rules of any savings bank notwithstanding; and such account so transferred shall be opened in the post-office savings bank, or other savings bank to which the transfer is made, in the name of such party, if any, and of the minor, or in the name of the minor alone, as the case may be; and the receipt of the party or parties making such application, and receiving such transfer certificate, shall be a sufficient discharge to the Postmaster-General and to such trustees; but the money so transferred shall not be withdrawn, except with the consent of the Postmaster-General, or of any two trustees or managers of the savings bank to which the transfer is made, until the minor shall have attained the age at which it might have been withdrawn under the rules of the savings bank from which it was transferred, a note whereof shall be made on the said certificate.

2. Upon the final closing of any savings bank, or where any savings bank has already closed, the trustees or trustee for the time being thereof, or any two or more of them, shall forthwith notify the same in writing to the Commissioners for the Reduction of the National Debt, and shall, with the consent of the said commissioners, convert into money any property, not being money, held by the said trustees of the savings bank, or by any person as trustee for the savings bank, and after paying the expenses of such conversion, and any claims thereon, shall account for and pay over the residue to the said commissioners, to be by them carried to the separate surplus fund standing in the books of the said commissioners, and the monies carried on account of each saving bank to the said separate surplus fund under this and the following section of this act shall be subject to any claim that may thereafter be substantiated on account of any depositor in the savings bank so closed; and the receipt in writing of the said trustees or trustee for the time being, or any two or more of them, for any money paid to them by any purchaser or lessee, shall be an effectual discharge for the same, and the purchaser or lessee shall not be obliged to see to the application of such money, or be accountable or answerable for the loss, misapplication, or non-application thereof, or be bound to inquire whether the assent of the said commissioners has been obtained to such sale or lease, or to the regularity thereof: and all purchases of any freehold or copyhold or leasehold estates which have already been made, or may hereafter be made, with the consent of the Commissioners for the Reduction of the National Debt, or the Comptroller-General acting under them, by the trustees of any savings bank, with the monies thereof, shall be and shall be deemed to have been as good, valid, and effectual in the law, to all intents and purposes whatsoever, as if the same had been or were expressly authorised or sanctioned by any statute relating to savings banks; and such purchases shall not be liable to any objection, or their validity affected by reason of any defect in the right or power of such trustees to make such purchases; and a certificate under the hand of the said Comptroller-General of any such purchases having been made, with such consent and with such monies as aforesaid, shall for all purposes whatsoever be conclusive evidence thereof: provided always, that trustees of savings banks, which are

desirous of closing shall have power to compensate their officers out of any separate surplus fund that may belong to any such savings bank, with the consent of the Commissioners for the Reduction of the National Debt.

3. When the trustees of any savings bank shall have determined to close the savings bank for the receipt of deposits, and shall have given public notice of such intention by letter through the post-office, prepaid, to each depositor at his residence when known, by advertisement in some one newspaper circulating in the district in which the savings bank is situate, and by affixing such notice on the outer door of the building in which the business of the savings bank is carried on, and shall have paid off three-fourths of their depositors amount, either in money or by transfer to a post-office savings bank, such trustees may, if they think fit, transmit, under the hands of two trustees and three managers, to the Commissioners for the Reduction of the National Debt, a certified list of such depositors as have not applied to them to receive their deposits or for transfer certificates, and of the amount due to them respectively, and the said commissioners may thereupon receive from the said trustees all money remaining in the hands of the said trustees or of their treasurer, and if such money, with the money belonging to the said savings bank in the hands of the said commissioners, together with the proceeds of the sale of other property, as referred to in sect. 2 of this act, shall be sufficient to discharge the whole of the liabilities of such trustees to the depositors, as set forth in the said list, then the certificate of the said commissioners shall be a sufficient discharge to the said trustees in respect of all such money so paid over, or in the hands of the said commissioners; and all such monies shall be held by the said commissioners, subject to the rights and claims of the depositors named in such list, who shall thenceforth be considered to be depositors in a post-office savings bank; and such depositors, on presenting their deposit books at any post-office savings bank, shall be entitled to claim payment of the sums due to them respectively, with the interest due to them thereon, and on establishing their claim shall be paid out of the monies so paid over by the trustees under this and the foregoing section of this act, and in the hands of the commissioners as above referred to, and the surplus of such monies, if any, after providing for the sums due to such depositors, shall be carried to the separate surplus fund in the books of the said commissioners.

4. The Commissioners of her Majesty's Treasury, by warrant under the hands of any two or more of them, addressed to the Governor and Company of the Bank of England, may from time to time direct that out of the total amount of the capital stock of any perpetual Government annuities, bearing interest at or exceeding the rate of 3l. per cent. per annum, standing in the names of the Commissioners for the Reduction of the National Debt on account of post-office savings banks in the books of the Bank of England, the amount of stock mentioned in such warrant shall be cancelled, and that in place thereof there shall be created and inscribed in the said books, in the names of the said commissioners, a like amount of capital stock, bearing interest at the rate of 2l. 10s. per cent. per annum; and the said Commissioners of her Majesty's Treasury shall by the said warrant authorise and direct the said governor and company to create and inscribe in the books of the Bank, in addition to the said capital stock, bearing an interest of 2l. 10s. per cent. per annum, such an amount of annuity, for a term of years ending on the 5th April, 1885, as shall be equivalent in value to the difference between the rate of 2l. 10s. per cent. and the rate of interest on the capital stock so cancelled; and the amount of such terminable annuity shall be ascertained and determined by the tables in force under the act of the 10 Geo. 4, c. 24, under the authority of which annuities for terms of years are granted by the said Commissioners for the Reduction of the National Debt; and such stock and annuities so created in lieu of the annuities cancelled shall be held by the said Commissioners for Post-office Savings Banks; and all such 2l. 10s. perpetual annuities shall be consolidated with, and be deemed part of, the 2l. 10s. per cent. annuities created under the act of the 16 Vict. c. 23, s. 2; and such terminable annuities shall be consolidated with, and form part of, the terminable annuities created under the act of the 23 & 24 Vict. c. 109, s. 3, and the interest thereon shall be charged on the Consolidated Fund, and be paid and payable to the Bank of England; and such warrant shall be a sufficient

authority to the said Governor and Company for the creation and inscription of the said stock and annuities respectively.

5. The trustees of any savings bank, at a meeting called for that purpose, may appoint any number of managers to sign transfer certificates; and the signatures of any two of such managers to a transfer certificate shall be a sufficient authority to the Commissioners for the Reduction of the National Debt to transfer the amount set forth in such certificate; provided that a list of such managers, with their signatures certified by two trustees, shall have been previously deposited with the Commissioners for the Reduction of the National Debt; and provided also, that the said trustees may from time to time revoke such appointment, and appoint other managers, notifying such revocation and appointment to the said commissioners.

6. Whenever the Commissioners of her Majesty's Treasury shall exercise the powers vested in them by the 4th section of this act, copy of the warrant issued in respect thereof by the said commissioners shall be laid before both Houses of Parliament within ten days from the date thereof, if Parliament shall be then sitting; and if not then sitting, then in the ten days after the then next assembling of Parliament.

#### CAP. XV.

An Act to apply the Sum of Twenty Millions out of the Consolidated Fund to the Service of the Year 1863.

[11th May, 1863.]

#### CAP. XVI.

An Act for raising the Sum of One Million Pounds by Exchequer Bonds for the Service of the Year 1863.

[11th May, 1863.]

Sect. 1. Treasury may raise 1,000,000l. by Exchequer Bonds.

2. Interest on bonds, and repayment of principal money.

3. Treasury may cause Exchequer Bonds to be prepared and issued.

4. Application of clauses 16, 17, 18, and 19 of stat. 16 & 19 Vict. c. 23.

5. Money raised to be paid to the Consolidated Fund.

6. Exchequer Bonds may be delivered to persons authorised by the Treasury.

7. Bank of England may advance 1,000,000l. on the credit of bonds, and Commissioners of National Debt may invest money on account of savings banks in purchase of bonds.

#### CAP. XVII.

An Act for amending the Local Government Act, 1858.

[11th May, 1863.]

Sect. 1. *Short title.*

2. *Restriction as to the adoption of the act by certain places.*

3. *Amendment of sects. 17 & 18 of stat. 21 & 22 Vict. c. 96.*

4. *As to abandonment of Local Government Act in certain places.*

5. *Provision for avoidance of constitution of district.*

6. *Local Government Act districts to be within highway districts for the purpose of highway meetings.*

7. *Amendment of sect. 15 of stat. 21 & 22 Vict. c. 96.*

8. *Construction of acts.*

Sect. 1. This act may be cited as "The Local Government Act Amendment Act, 1863."

2. The adoption of the Local Government Act, 1858, by any place where that act was not in force on the 1st March, 1863, and where the population, according to the then last census, is less than 3000, shall not be of any validity unless it is approved by one of her Majesty's Principal Secretaries of State, on proof being given to his satisfaction, that by reason of special circumstances, it is expedient that such place should be allowed to adopt the act.

Before signifying his approval or disapproval, the said Secretary may cause an inquiry to be made in the place as to the circumstances alleged in support of the expediency of the adoption of the act, of the time and place of which inquiry fourteen days' public notice shall be given, and on the determination of such inquiry shall give or withhold, as he thinks just, his approval of the adoption of the act.

The approval or disapproval of the said Secretary of State shall be published by the said Secretary in the Gazette, and such publication shall be evidence of the fact of that approval or disapproval having been given.

3. Petitions appealing against the resolution of adoption, and praying for exclusion from the operation of the Local Government Act, under the 17th section of that act, and appeals from owners and ratepayers who dispute the validity of the vote for adoption under the 18th section of the same act, may be presented and had at any time before the expiration of six weeks from the date of any resolution adopting the act.

4. When a resolution adopting the Local Government Act has been passed in a place in which the population, according to the then last census, is less than 3000, that resolution may at any time be rescinded by a subsequent resolution passed in the same manner in which resolutions for the adoption of the act are required to be passed, but the rescinding resolution shall not be of any effect unless it is approved by one of her Majesty's Principal Secretaries of State, and notice is published by him in the London Gazette of the passing of the resolution, and of his approval thereof.

An appeal may be had from any such rescinding resolution in the same manner, and subject to the same conditions, as nearly as may be, in and subject to which an appeal may be had against a resolution adopting the act; and the provisions of the Local Government Act relating to an appeal against the adoption of the act shall, with the requisite variations, apply to an appeal under this section.

The notice of the rescinding resolution shall not be published until the expiration of the time limited for an appeal, or until the determination of the appeal, but upon the publication thereof the adoption of the Local Government Act shall be deemed to be avoided as from the date of that publication, and from the same date the Local Government Act shall cease to be in force within the district, and the district shall revert to the position in which it was before the adoption of the Local Government Act; so nevertheless that any contracts that may have been entered into by or on behalf of the local board of any such district may be enforced in the same manner in all respects as if the Local Government Act had continued in force in the district, and, so far as may be necessary for the enforcement of such contracts, the local board, and all their powers of levying money, shall be deemed to be continued.

5. In any district constituted under the Local Government Act, 1858, where by that act the local board is required to be elected by the ratepayers, and where the population, according to the then last census, is less than 3000, if no election of a local board, in pursuance of the said act, takes place within three months from the date of the constitution of the district, or if in any such district as last aforesaid the local board makes default in appointing fit and proper persons to the following offices, or any of them—that is to say, to the office of surveyor, inspector of nuisances, clerk, and treasurer, within two months after the election of the local board, then, upon the happening of either of the above events, the adoption of the Local Government Act, in the said district shall be void, and the Local Government Act, 1858, shall cease to be in force within the district, and the district shall revert to the same position as it was in before the adoption of the act: so nevertheless that any contracts that may have been entered into by or on behalf of the local board of any such district may be enforced in the same manner in all respects as if the Local Government Act had continued in force in the district, and so far as may be necessary for the enforcement of such contracts, the local board and all their powers of levying money shall be deemed to be continued.

6. Where any district under the Public Health Act, 1848, and the Local Government Act, 1858, or either such of acts, or any other place, is surrounded by or adjoins a highway district constituted under the Highway Acts, such first-mentioned district or other place shall, for the purpose of any meeting of the highway board, be deemed to be within such highway district.

7. The power of adopting any part or parts of the Local Government Act, 1858, given by that act and the acts amending the same, shall not be exhausted by one adoption, but may be exercised from time to time.

8. The Public Health Act, 1848, and the acts amending

the same, and the acts amending the Local Government Act, 1858, including this act, are hereby declared to be one act, and to be included under the expression the "Local Government Act, 1858," or any words referring to that act.

#### CAP. XVIII.

An Act to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales. [11th May, 1863.]

#### CAP. XIX.

An Act to amend the Law relative to the Sale of Hares in Ireland. [8th June, 1863.]

#### CAP. XX.

An Act to further limit and define the Time for proceeding to Election during the Recess. [8th June, 1863.]

Whereas by the act of the 24 Geo. 3, c. 26, the act of the 52 Geo. 3, c. 144, and the act of the 21 & 22 Vict. c. 110, the Speaker is enabled to issue his warrant to the clerk of the Crown to make out new writs for the election of members of the House of Commons in certain cases during the recess of Parliament, after giving fourteen days' notice in the London Gazette: and whereas it is expedient to limit the time of notice required by the said acts: be it enacted &c. as follows:—

Sect. 1. The act of the 24 Geo. 3, c. 26, the act of the 52 Geo. 3, c. 144, and the act of the 21 & 22 Vict. c. 110, shall be so construed as if six and not fourteen days' notice had been originally in the said acts, and this act and the said acts shall be construed and read together.

#### CAP. XXI.

An Act to amend the Law enabling Boards of Guardians to recover Costs of Maintenance of illegitimate Children in certain Cases in Ireland. [8th June, 1863.]

Sect. 1. After passing of this act, sect. 10 of recited act repealed.

2. Power to board of guardians to recover cost of maintenance of illegitimate child from putative father.

3. At time when civil bill is served, a copy of affidavit, &c. shall also be served, and matter shall be heard by chairman of quarter sessions, or judge having jurisdiction.

4. Payment by putative father previous to hearing to stop proceedings.

5. This act incorporated with recited act.

#### CAP. XXII.

An Act to grant certain Duties of Customs and Inland Revenue. [8th June, 1863.]

Sect. 1. Grant of duties specified in schedules annexed.

2. Provisions of former acts to apply to this act.

3. The exemption from income tax granted by the said acts relating to the income tax to persons whose incomes are respectively less than 100*l.* a year shall be and is hereby continued; and in lieu of the relief granted by the 28th section of the act passed in the 16 & 17 Vict. c. 34, to persons whose respective incomes, although amounting to 100*l.* or upwards, are less respectively than 150*l.* a year, the following relief or abatement shall be given or made to persons whose incomes are less respectively than 200*l.* a year; (that is to say), any person who shall be assessed or charged to any of the duties of income tax granted by this act, or who shall have paid the same either by deduction or otherwise, and who shall claim and prove in the manner prescribed by the said acts that his total income from every source, although amounting to 100*l.* or upwards, is less than 200*l.* for the year of assessment of his profits or gains, shall be entitled to be relieved from so much of the said duties assessed upon or paid by him as an assessment or charge of the said duties upon 60*l.* of his income would amount unto, and such relief shall be given either by reduction or abatement of the assessment upon such person, or by the repayment to him of so much of the excess as he shall have paid, or by both of those means, as the case may require.

4. Certain customs duties to cease on the 1st July, 1863.

## SCHEDULE (C.)

*Containing the Rates and Duties of Income Tax granted by this Act.*

For one year, commencing on the 6th April, 1863, for and in respect of all property, profits, and gains mentioned or described as chargeable in the act passed in the 16 & 17 Vict. c. 34, the following rates and duties (that is to say),

For every 20s. of the annual value or amount of all such property, profits, and gains (except those chargeable under Schedule (B.) of the said act), the rate or duty of 7d.:

And for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said act, for every 20s. of the annual value thereof,—

In England, the rate or duty of 3½d.;

And in Scotland and Ireland respectively, the rate or duty of 2½d.

## CAP. XXIII.

## An Act to alter the Boundaries of New Zealand.

[8th June, 1863.]

Sect. 1. Part of sect. 80 of the 15 & 16 Vict. c. 72, repealed.

2. The colony of New Zealand shall, for the purposes of the said act and for all other purposes whatever, be deemed to comprise all territories, islands, and countries lying between the 162nd degree of east longitude and the 173rd degree of west longitude, and between the 33rd and 53rd parallels of south latitude.

## CAP. XXIV.

An Act to facilitate the Appointment of Vice-Admirals and of Officers in Vice-Admiralty Courts in Her Majesty's Possessions abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts.

[8th June, 1863.]

Sect. 1. Short title.

2. Interpretation of terms.

3. Appointment of vice-admiral.

4. Appointment of judge.

5. Appointment of registrar and marshal.

6. Names of appointees, &c. to be notified to the Home Government.

7. Saving the powers of the Admiralty.

8. Past proceedings confirmed.

9. Protection of officers.

10. Jurisdiction of Vice-Admiralty Courts.

11. Jurisdiction of Vice-Admiralty Courts.

12. Nothing to restrict existing jurisdictions.

13. As to matters arising beyond limits of colony.

14. Her Majesty empowered to establish and alter rules and tables of fees.

15. Rules and tables of fees to be laid before the House of Commons.

16. To be entered in the records of the courts.

17. To be hung up in court, &c.

18. Established fees to be the only fees taken.

19. Taxation may be revised by the High Court of Admiralty.

20. Registrar may administer oaths.

21. As to the hearing of cross causes.

22. No appeal save from final sentence or order.

23. Appeal to be made within six months.

24. Acts repealed. Saving rules established under the 2 & 3 Will. 4, c. 51.

## CAP. XXV.

An Act to make further Provision for the Investment of the Monies received by the Commissioners for the Reduction of the National Debt from the Trustees of Savings Banks established under the Enactments of the Act 9 Geo. 4, c. 92.

[8th June, 1863.]

Sect. 1. 24,000,000*l.* stock to be cancelled, and charge for savings banks to be created in lieu thereof.

2. Treasury may cancel additional amount not exceeding 5,000,000*l.*, and create terminable annuities.

3. Commissioners may invest and sell any part of the securities.

4. Issues may be made out of Consolidated Fund.

5. One half of securities to be parliamentary securities.

6. Accounts to be made up annually to 20th November.

7. Deficiency to be a charge on the Consolidated Fund.

8. Powers of investment to continue in force.

## CAP. XXVI.

## An Act to facilitate the Drainage of Land in Ireland.

[8th June, 1863.]

*Preliminary.*

Sect. 1. Short title.

2. Act to apply to Ireland only.

3. Definition of terms.

*Power of private Owners to procure Outfalls.*

4. Application for outfall to adjoining owner.

5. Mode of making application.

6. Assent of adjoining owner.

7. Record of assent of adjoining owner.

8. Dissent of adjoining owner. Result of decision.

9. Application of compensation in case of owners under disability.

10. If drainage scheme approved of, map shall be prepared.

11. Power of applicant to clear drains.

12. Power of adjoining owner to divert drains.

13. Penalty for obstructing or injuring drains.

14. Costs of application.

15. Provision in case of change of natural outfall.

16. Appointment of arbitrators.

17. Powers of act cumulative.

## CAP. XXVII.

## An Act to amend the Law relating to Marriages in Ireland.

[8th June, 1863.]

Sect. 1. No notice of marriage to be published before poor law guardians.

2. Form of notice of marriage to registrar as in Sched. (A.)

3. Proceedings of registrar.

4. Notice of marriage to be accompanied by a solemn declaration by one of the parties, as form in Schedule (B.)

5. Certificate not to issue until after twenty-one days, nor license to be granted after seven days.

6. Registrar-general to furnish registry books.

7. Place, time, &c. of marriage.

8. Marriages under this act good and cognisable.

9. Entry of marriage by minister in registry books.

10. Penalty for not registering marriage.

11. Registrar not to grant licenses for marriage in certain cases.

12. The registration of places of public worship by trustee, &c.

13. Consent of minister, &c. necessary.

14. Omission to send notice of marriage, penalty 40*l.*

15. Penalty on making false declaration, or giving false notice.

16. Not to alter provisions of existing act, except where at variance with this act.

17. Commencement of act.

18. Limitation of act.

## CAP. XXVIII.

## An Act to give further Facilities to the Holders of the Public Stocks.

[8th June, 1863.]

Sect. 1. Short title.

2. Definition of terms.

3. Right of certificate of title to stock.

4. Restriction as to trustees taking certificates of title.

5. General provisions as to certificates of title.

6. Distinction between certificates of title to bearer and nominal certificates.

7. Nominees in a nominal certificate not entitled to have it renewed as nominal.

8. Fees in respect of dealings with stock under this act.

9. Remuneration to the Bank.

10. General regulations with respect to certificates of title.

11. Income tax.

12. Unclaimed dividends.



13. *Provisions as to public stocks outstanding.*
14. *Penalties on persons committing forgery.*
15. *Penalties on persons falsely personating owners of stock.*
16. *Penalties on persons engraving plates, &c.*

Whereas it is expedient to give further facilities to the holders of the public stocks in respect of the transfer thereof, and the receipt of the dividends thereon: be it enacted &c. as follows:—

Sec. 1. This act may be cited for all purposes as the "Stock Certificate Act, 1863."

2. In this section, and elsewhere in this act, the following expressions have the meanings here assigned to them:—

"The Bank" shall, with reference to the public stocks transferable at the Bank of England, and certificates issued under this act in respect thereof, and the coupons of such certificates, mean the Governor and Company of the Bank of England, and shall, with reference to the public stocks transferable at the Bank of Ireland, and certificates issued under this act in respect thereof, and the coupons of such last-mentioned certificates, mean the Governor and Company of the Bank of Ireland:

"The Treasury" shall mean "the Commissioners of her Majesty's Treasury, or any two of them:"

"The public stocks" shall mean any stocks forming part of the National Debt, and transferable in the books of the Bank; and "share in the public stocks" shall include any part of a share:

"Person" shall include corporation:

"Felony" shall mean and include crime and offence in Scotland.

3. With the exception, and subject to the conditions hereinafter mentioned, every person inscribed in the books of the Bank of England or of the Bank of Ireland as proprietor of a share in the public stocks may obtain a certificate or certificates of title to the said share, or to any part thereof, having annexed coupons entitling the bearer to the dividends payable in respect of that share or part of a share.

4. No trustee of any share in the said stocks shall apply for or hold a certificate of title to that share, unless he is authorised so to do by the terms of his trust; and any contravention of this section by a trustee shall be deemed to be a breach of trust, and be punishable accordingly; nevertheless this section shall not impose on the Bank any obligation to inquire whether a person applying for a certificate of title under this act is or not a trustee, nor subject them to any liability in the event of their granting a certificate of title to a trustee, nor invalidate any certificate of title if granted.

5. No certificate shall be granted in respect of any sum of stock not being 50*l.*, or a multiple of 50*l.*, or in respect of any larger amount than 1000*l.*:

The Treasury may, by warrant, declare that any one or more of the public stocks specified in the warrant shall be subject to the provisions of this act; but, until that declaration is made, stock certificates shall be issued only in respect of the 3*l.* per Cent. Consolidated Annuities, Reduced 3*l.* per Cent. Annuities, and the New 3*l.* per Cent. Annuities:

The coupons annexed to a stock certificate shall comprise the dividends payable in respect of the stock described in the certificate for a period of not less than five years, commencing from the date of the certificate. At the expiration of that period, fresh coupons shall be issued for a further period of not less than five years, and so for successive periods of not less than five years during the continuance in force of the stock certificate; but the Bank may, if they think fit, in lieu of issuing fresh coupons in respect of a certificate, give in exchange a fresh certificate with coupons attached thereto:

Coupons shall be payable at the chief establishment of the Bank at the expiration of three clear days from the day of presentation, and at any branch establishment of the Bank, situate more than ten miles from the chief establishment, at the expiration of five clear days from the day of presentation:

The payment to the bearer of any coupon of the amount expressed therein shall be a full discharge to the Bank of all liability in respect of that coupon, and the dividend represented thereby:

If any stock certificate or coupon issued under this act is lost, or destroyed, the Bank shall grant a new certificate or

coupon, on receiving indemnity to their satisfaction against the claims of all persons deriving title under the certificate or coupon so lost or destroyed:

No notice of any trust in respect of any stock certificate or coupon issued under this act shall be receivable by the Bank.

6. A stock certificate, unless a name is inscribed therein, as hereinafter provided, shall entitle the bearer to the stock therein described, and shall be transferable by delivery:

The bearer of a stock certificate may convert the same into a nominal certificate by inserting therein, in manner prescribed by any regulation made in pursuance of this act, the name, address, and quality of some person. A stock certificate when it becomes nominal shall not be transferable, and the person named therein (hereinafter called the nominee), or some person deriving title from him by devolution in law as hereinafter mentioned, shall alone be recognised by the Bank as entitled to the stock described in the certificate:

Upon the death of the nominee in a nominal certificate, his personal representative, upon his bankruptcy his assignees, and upon the marriage of any female nominee her husband, shall alone be recognised by the Bank as entitled to the stock described in the certificate, and shall be deemed respectively to be a nominee or nominees in that certificate:

The death or bankruptcy of any nominee in a nominal certificate, or the marriage of any female nominee, and the loss or destruction of any certificate or coupon, shall be proved in such manner as may from time to time be directed by the Bank, with the sanction of the Treasury.

7. The nominee in a nominal stock certificate shall not be entitled to have the same renewed as nominal, but he shall, on delivery up to the Bank of his certificate, and of all unpaid coupons belonging thereto, and on compliance with any regulation made in pursuance of this act, be entitled to receive in exchange from the Bank a stock certificate to bearer:

The nominee in a nominal stock certificate, and the bearer of a stock certificate to bearer, may, on the like delivery, and on compliance with any regulation made in pursuance of this act, require to be registered in the books of the Bank as a holder of the stock described in the certificates under which they respectively derive title, and thereupon the stock shall be re-entered in the books kept by the Bank for the entry of transferable stock, and become transferable, and the dividends payable as if no certificate had been issued in respect of such stock.

8. No fees shall be charged on the grant of a stock certificate to bearer, in exchange for a like certificate, but there shall be charged with respect to the several other proceedings in relation to stock authorised by this act the fees specified in the schedule hereto, or such less fees as may be determined by the Treasury:

All fees received in pursuance of this act shall be paid into the receipt of her Majesty's exchequer:

No stamp duty shall be payable in respect of any certificate or coupon issued in pursuance of this act.

9. There shall be paid to the Bank of England, out of the Consolidated Fund, on account of the additional trouble, expense, and responsibility, if any, imposed on it by this act, in addition to the remuneration otherwise payable to it in respect of the management of the National Debt, such remuneration as may be agreed upon between the Treasury and the Bank of England.

10. The Bank of England and the Bank of Ireland, with the sanction of the Treasury, may from time to time issue any forms that may be required for carrying into effect the provisions of this act, and also from time to time make any regulations that are not inconsistent with this act relative to the following things:

- (1.) The time for which coupons are to be given:
- (2.) The conversion of a stock certificate to bearer into a nominal certificate:
- (3.) The authority under which, and the mode in which, the bank is to act in issuing stock certificates, or exchanging nominal certificates for certificates to bearer, or registering in their books the holders of stock certificates, or taking any other proceedings in relation to stock authorised to be taken under this act:

(4.) The mode of proving the title of, or identifying, any person applying for a stock certificate, or deriving any title under a stock certificate issued under this act:

(5.) With respect to any other matter necessary to carry this act into effect:

And any regulation so made shall be deemed to be part of this act in the same manner as if it were herein enacted.

11. The income tax shall be deducted from any coupons payable under this act in the same manner and subject to the same regulations in and subject to which it may, in pursuance of any law for the time being in force, be deducted from the dividends payable at the Bank in respect of the stock of proprietors inscribed in the books of the Bank.

12. All sums due and not demanded on any coupons issued under this act shall for all purposes be dealt with as if they were dividends due and not demanded in respect of the stock of proprietors inscribed in the books of the Bank.

13. When any certificate of title issued under this act in respect of any share in the public stocks is outstanding, the stock represented thereby shall cease to be transferable in the books of the Bank:

Save in so far as relates to the mode of transfer and payment of dividends thereon, any stock described in a stock certificate issued under this act shall be deemed to be charged on the same securities, and to be subject to the same powers of redemption, and to the same incidents in all respects, including the remuneration payable to the Bank, as if it had continued registered in the books of the Bank as stock transferable therein:

Any stock described in a stock certificate in respect of which no coupons have been presented for payment for a period of ten years, may in all respects be dealt with as if it were stock upon which no dividends had been demanded for a period of ten years, and be transferred accordingly to the Commissioners for the Reduction of the National Debt, and shall be subject to the rights of the parties proving themselves entitled to such stock in pursuance of the act passed in the 56 Geo. 3. c. 60, or the act passed in the session held in the 23 & 24 Vict. c. 71; and the provisions of those acts and of all other acts relating to stock transferred to the aforesaid commissioners shall apply to stock in respect of which certificates shall have been issued in pursuance of this act.

14. Whosoever shall forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any stock certificate or coupon, or any document purporting to be a stock certificate or coupon issued in pursuance of this act, or shall demand or endeavour to obtain or receive any share or interest of or in the public stocks, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered certificate or coupon or document purporting as aforesaid, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

15. Whosoever shall falsely and deceitfully personate any owner of any share or interest of or in any of the public stocks, or of any stock certificate or coupon issued in pursuance of this act, and shall thereby obtain, or endeavour to obtain, any such stock certificate or coupon, or receive, or endeavour to receive, any money due to any such owner, as if such offender were the true and lawful owner, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

16. Whosoever, without lawful authority or excuse, the proof whereof shall lie on the party accused, shall engrave or make, upon any plate, wood, stone, or other material, any stock certificate or coupon purporting to be a stock certificate or coupon issued or made under and in pursuance of this act, or to be a blank stock certificate or coupon issued or made as aforesaid, or to be a part of such a stock certificate or coupon, or shall use any such plate, wood, stone, or other material for the making or printing of such stock certificate or coupon, or any such blank stock certificate or coupon, or any part

thereof respectively, or knowingly have in his custody or possession any such plate, wood, stone, or other material, or shall knowingly offer, utter, dispose of, or put off, or have in his custody or possession, any paper upon which any such blank stock certificate or coupon, or part of any such stock certificate or coupon, shall be made or printed, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

#### SCHEDULE OF FEES.

On the issue of a stock certificate, a fee not exceeding 5s. on every 100l. of stock included in the certificate, and a proportional sum for any less sum.

If the applicant is the registered holder of an amount of stock divisible into several sums of 50l., or multiples of 50l., he may require such sums of 50l., or such multiples of 50l., to be distributed amongst different certificates, as he thinks fit; subject to this proviso, that if the number of certificates required by him exceed the proportion of five to 1000l., he shall, in respect of each certificate constituting that excess, pay a sum of 6d. in addition to the per-centage fee.

On the change of a nominal certificate for a certificate to bearer, or on the registration in the books of the Bank of the stock included in a nominal certificate, there shall be charged a fee not exceeding one-half the fee that would be chargeable on the issue of a new certificate to bearer.

On the registration in the books of the Bank of the stock included in a stock certificate to bearer there shall be charged a fee not exceeding 5s.

#### CAP. XXIX.

An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament.

[8th June, 1863.]

Sec. 1. *Short title.*

2. *No payment, &c. shall be made by or on behalf of candidates otherwise than through authorised agents.*

3. *Bills, &c. to be sent in within one month to agent, or right to recover barred.*

4. *As to publication of statement of election expenses.*

5. *Sec. 14 of stat. 17 & 18 Vict. c. 102, extended to misdemeanours, &c.*

6. *General allegations sufficient in indictments.*

7. *Evidence of witness on election committee and before commissions.*

8. *Regulations as to proceedings of election committees.*

9. *Prosecutions for bribery.*

10. *Acts as mentioned in col. 3 of schedule repealed.*

11. *Continuance of Corrupt Practices Prevention Acts.*

Whereas the Corrupt Practices Prevention Act, 1854 [17 & 18 Vict. c. 102], as amended by an act of the session holden in the 21 & 22 Vict. c. 87, is limited to continue in force until the 1st September, 1863, and from thence until the end of the next session of Parliament; and it is expedient further to amend the said acts, and to continue the same in manner hereinafter mentioned: be it therefore enacted &c. as follows:—

Sec. 1. The expression "the Corrupt Practices Prevention Acts," shall include this act and the said act of the 21 & 22 Vict., and the Corrupt Practices Prevention Act, 1854, as amended by the said other acts.

#### Expenses of Elections.

2. No payment (except in respect of the personal expenses of a candidate), and no advance, loan, or deposit, shall be made by or on behalf of any candidate at an election, before, or during, or after such election, on account of, or in respect of, such election, otherwise than through an agent or agents whose name and address, or names and addresses, have been declared in writing to the returning officer on or before the day of nomination, or through an agent or agents to be appointed in his or their place as herein provided; and any person making any such payment, advance, loan, or deposit, otherwise than through such agent or agents, shall be guilty of a misdemeanour, or in Scotland of an offence punishable by fine and imprisonment. It shall be the duty of the re-

turning officer to publish, on or before the day of nomination, the name and address, or the names and addresses, of the agent or agents appointed in pursuance of this section.

In the event of the death or legal incapacity of any agent appointed in pursuance of this section, the candidate shall forthwith appoint another agent in his place, on giving notice to the returning officer of the name and address of the person so appointed, which shall be forthwith published by the returning officer.

3. All persons who have any bills, charges, or claims upon any candidate for or in respect of any election shall send in such bills, charges, or claims within one month from the day of the declaration of the election to such agent or agents as aforesaid, otherwise such persons shall be barred of their right to recover such claims, and every or any part thereof: provided always, that in case of the death within the said month of any person claiming the amount of such bill, charge, or claim, the legal representative of such person shall send in such bill, charge, or claim within one month after obtaining probate or letters of administration, or confirmation as executor, as the case may be, or the right to recover such claim shall be barred as aforesaid: provided also, that such bills, charges, and claims shall and may be sent in and delivered to the candidate, if, and so long as, during the said month, there shall, owing to death or legal incapacity, be no such agent.

4. A detailed statement of all election expenses incurred by or on behalf of any candidate, including such excepted payments as aforesaid, shall, within two months after the election (or in cases where, by reason of the death of the creditor, no bill has been sent in within such period of two months, then within one month after such bill has been sent in), be made out and signed by the agent, or, if there be more than one, by every agent who has paid the same (including the candidate in case of payments made by him), and delivered, with the bills and vouchers relative thereto, to the returning officer, and the returning officer for the time being shall, at the expense of the candidate, within fourteen days, insert or cause to be inserted an abstract of such statement, with the signature of the agent thereto, in some newspaper published or circulating in the county or place where the election was held; and any agent or candidate who makes default in delivering to the returning officer the statement required by this section, shall incur a penalty, not exceeding 5*l.*, for every day during which he so makes default; and any agent or candidate who wilfully furnishes to the said returning officer an untrue statement shall be guilty of a misdemeanour, or, in Scotland, of an offence punishable by fine and imprisonment; and the said returning officer shall preserve all such bills and vouchers, and, during six months after they have been delivered to him, permit any voter to inspect the same, on payment of a fee of 1*s.*

#### *Legal Proceedings.*

5. The provisions of the 14th section of the Corrupt Practices Prevention Act, 1854, shall extend to a misdemeanour or to any other offence under the Corrupt Practices Prevention Acts not punishable by a penalty or forfeiture, as well as to proceedings for any offence punishable by a penalty or forfeiture.

6. In any indictment or information for bribery or undue influence, and in any action or proceeding for any penalty for bribery, treating, or undue influence, it shall be sufficient to allege that the defendant was, at the election at or in connexion with which the offence is intended to be alleged to have been committed, guilty of bribery, treating, or undue influence (as the case may require); and in any criminal or civil proceedings in relation to any such offence, the certificate of the returning officer in this behalf shall be sufficient evidence of the due holding of the election, and of any person therein named having been a candidate thereat.

7. No person who is called as a witness before any election committee, or any commissioners appointed in pursuance of the act of the 15 & 16 Vict. c. 57, shall be excused from answering any question relating to any corrupt practice at, or connected with, any election forming the subject of inquiry by such committee or commissioners, on the ground that the answer thereto may criminate, or tend to criminate, himself: provided always, that where any witness shall answer every question relating to the matters aforesaid which he shall be required by such committee or commissioners (as the case

may be) to answer, and the answer to which may criminate, or tend to criminate him, he shall be entitled to receive from the committee, under the hand of their clerk, or from the commissioners, under their hands (as the case may be), a certificate stating that such witness was, upon his examination, required by the said committee or commissioners to answer questions, or a question, relating to the matters aforesaid, the answers or answer to which criminated, or tended to criminate him, and had answered all such questions or such question; and if any information, indictment, or action be at any time thereafter pending in any court against such witness for any offence under the Corrupt Practices Prevention Acts, or for which he might have been prosecuted or proceeded against under such acts committed by him previously to the time of his giving his evidence, and at or in relation to the election concerning or in relation to which the witness may have been so examined, the court shall, on production and proof of such certificate, stay the proceedings in such last-mentioned information, indictment, or action, and may, at its discretion, award to such witness such costs as he may have been put to in such information, indictment, or action: provided that no statement made by any person in answer to any question put by or before such election committee or commissioners shall, except in cases of indictments for perjury, be admissible in evidence in any proceeding, civil or criminal.

#### *Election Committees.*

8. The following regulations shall be made with respect to the proceedings of select committees appointed to try election petitions:—

- (1). On any charge of treating being brought before any election committee, it shall not be necessary, unless the committee should otherwise decide, to prove agency in the first instance, before giving in evidence the facts whereby the charge of treating is to be sustained:
- (2). Where any person who has voted at any election is found by any committee to have been guilty of bribery or treating at such election, his vote shall be void, and may, upon a scrutiny, be struck off the list of voters, notwithstanding that the name of such guilty person has not been included in the list of voters to be objected to:
- (3). Where any election petition complains that bribery, treating, or other corrupt practices have been committed at any election, the committee to whose determination such petition is referred shall report to the House of Commons whether or not corrupt practices have, or whether there is reason to believe corrupt practices have, extensively prevailed at such election in the place to which the petition refers.

9. Where an election committee has reported to the House of Commons, that certain persons named by them have been guilty of bribery or treating, and where it appears by the report of any commission of inquiry into corrupt practices at any election made to Her Majesty, and laid before Parliament, that certain persons named by them have been guilty of the offences of bribery or treating, and have not been furnished by them with certificates of indemnity, such report, with the evidence taken by the commission, shall be laid before the Attorney-General, with a view to his instituting a prosecution against such persons if the evidence should, in his opinion, be sufficient to support a prosecution.

#### *Repeal.*

10. There shall be repealed the several acts of Parliament mentioned in the schedule hereto to the extent specified in the third column of the said schedule, but such repeal shall not affect the punishment of any offence, or the recovery of any penalty or forfeiture, incurred under any of the provisions hereby repealed.

11. The Corrupt Practices Prevention Acts shall continue in force for a period of five years from the date of the passing of this act, and from thenceforth until the end of the then next session of Parliament.

#### *THE SCHEDULE.*

15 & 16 Vict. c. 57, A. D. 1852.—An act to provide for more effectual inquiry into the existence of corrupt practices at elections for members to serve in Parliament.—*Secs. 9 and 10 repealed.*

17 & 18 Vict. c. 102, A. D. 1854.—An act to consolidate and amend the laws relating to bribery, treating, and undue influence at elections of members of Parliament.—*Sects. 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 34, repealed.*

21 & 22 Vict. c. 87, A. D. 1858.—An act to continue and amend the Corrupt Practices Prevention Act, 1854.—*So much of sect. (1) as provides that a full, true, and particular account of all payments made for such conveyance, signed by the candidate or his agents, shall be delivered to the election auditor, with the names and addresses of the persons to whom such payments have been made, and the amount of such account shall be included in the general account of the expenses incurred at any election to be made out and kept by such election auditor—repealed. And sects. 2 and 4 repealed.*

## CAP. XXX.

An Act to authorise further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations. [22nd June, 1863.]

Sect. 1. Rules, &c., made under recited act may be extended for purposes herein named.

2. Reasonable pecuniary penalties may be imposed for breach of rules.

3. Penalties to be recoverable under this act. This act and recited act, &c. to be construed together.

## CAP. XXXI.

An Act for the Government of the Cayman Islands. [22nd June, 1863.]

## CAP. XXXII.

An Act to confirm certain Provisional Orders under the Local Government Act (1858) relating to the Districts of Basford, Teignmouth, Kingston-upon-Hull, Nottingham, Bradford, Ryde, Bedford, Croydon, Batley, Berwick-upon-Tweed, Sheerness, and Bromsgrove. [29th June, 1863.]

## CAP. XXXIII.

An Act for granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue. [29th June, 1863.]

Sect. 1. *Licensed beer dealers may take out additional license to sell beer by retail not to be consumed on the premises.*

2. *Duty on retail beer licenses taken out by licensed victuallers who do not sell spirits.*

3. *Penalty on persons selling beer by retail in Ireland without license.*

4. *Excise duty on sugar made in the United Kingdom continued to the 1st August, 1864.*

5. *Charging of excise duty on sugar used in brewing deferred until the 1st August, 1864.*

6. *Duty on stage carriages licensed to carry not more than eight persons reduced.*

7. *Penalty on persons keeping a stage carriage carrying a greater number of passengers than allowed by license.*

8. *Occasional licenses may be granted for carriages conveying passengers at separate fares.*

9. *Such occasional licenses to be granted and the carriages used under such regulations as the commissioners may prescribe.*

10. *Stage-carriage licenses to expire on the first Sunday in November in each year.*

11. *Stage-carriages licenses may be taken out for one quarter of a year. Not to supersede sect. 17 of the 6 Geo. 4, c. 81, as to granting licenses for the remainder of a current year.*

12. *Stage-carriage licenses may be transferred when the original holder discontinues business during the currency of the license.*

13. *Accounts of sums received for the conveyance of passengers upon railways to be made up at the close of each calendar month.*

14. *Restriction on exemption from duty on railway passengers granted by sect. 9 of the 7 & 8 Vict. c. 85.*

15. *Authority to exercise several trades may be contained in one excise license.*

16. *Penalty for giving more than one shipping notice for the same goods exported, and for claiming drawback more than once.*

17. *Goods shipped for exportation on drawback not to be brought on shore, or the packages opened, or marks thereon altered.*

18. *Licenses granted to refreshment-house keepers to retail foreign wine to include the sale of sweets and made wines.*

19. *Alteration of duty on a victualler's occasional license.*

20. *Alteration of the law relating to occasional licenses.*

21. *Sect. 12 of the 25 & 26 Vict. c. 22, not to prohibit persons licensed by the Excise from selling beer, spirits, or wine at fairs or races.*

22. *Union assessment committee not to require the production of documents relating to the assessment of the income tax on concerns in the nature of trade.*

23. *Commissioners of taxes for any division of a county may hold their meetings within an adjoining city or other place of exclusive jurisdiction.*

24. *Income tax to be deducted from coupons on stock certificates, although the half-yearly payment is under 50s.*

25. *Innkeepers' tobacco licenses to expire on the 10th October.*

26. *Provisions of former acts to apply to this act.*

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several rates and duties hereinafter mentioned, and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted &c. as follows:—

Sect. 1. From and after the passing of this act any person who, in England or Ireland, shall have taken out an excise license to sell strong beer in casks containing not less than four and a half gallons, or in not less than two dozen reputed quart bottles at one time, to be drunk or consumed elsewhere than on his premises, may take out an additional license on payment of the excise duty of 1l. 1s. and 6d. per cent. thereon; and the same shall authorise such person to sell beer in any less quantity and in any other manner than as aforesaid, but not to be drunk or consumed on the premises where sold; and such additional license shall be granted without the production of any certificate, or the possession of any other qualification than the license herein first mentioned.

2. From and after the 10th October, 1863, there shall be charged and paid for and upon every excise license to be taken out by any person who, in England or Ireland, shall be duly authorised by justices of the peace to keep a common inn, alehouse, or victualling house, and who shall sell beer, cider, or perry by retail, to be drunk or consumed in his, her, or their house or premises, and who shall not take out a license to retail spirits, the excise duty of 3l. 3s., and 6d. per cent. thereon, in lieu of the duty now payable on such license to retail beer.

3. Every person who shall in Ireland sell beer, cider, or perry by retail, that is to say, in any quantity less than four and a half gallons or in less than two dozen reputed quart bottles at one time, without having an excise retail license in force authorising him so to do, shall for every such offence forfeit the sum of 20l., which said penalty may be sued for and recovered under the Laws of Excise, by and in the name of any superintendent or inspector of police within the police district of Dublin metropolis, or by any sub-inspector, head or other constable, in any other part of Ireland, without any order of the Commissioners of Inland Revenue for that purpose, as well as by and in the name of an officer of excise, under the order of the said commissioners.

4. The duties of excise on sugar made in the United King-

dem, specified in Schedule (B.) of the act passed in the 20 & 21 Vict. c. 61, shall be continued, and be levied and charged, until the 1st August, 1864.

5. And whereas by an act passed in the 19 & 20 Vict. c. 34, a duty of excise was imposed on sugar used in the brewing or making of beer, and by an act passed in the 25 & 26 Vict. c. 22, the charging of the said duty was deferred until the 1st July, 1863, and it is expedient to further defer the same: be it enacted, that the charging of the said duty of excise on sugar used as aforesaid shall be further deferred until the 1st August, 1864.

6. From and after the passing of this act the duties now payable by law for and in respect of the licenses and stage carriages hereinafter in this clause described shall be reduced; and in lieu of the said duties now payable as aforesaid there shall be charged and paid in Great Britain for and in respect of every original license, to be taken out yearly, to keep, use, or employ a stage carriage which shall be licensed to carry not more than eight passengers at one time, the duty of 10s.; and for and in respect of every supplementary license for the same carriage which shall be taken out in any case allowed by law during the period for which such original license was granted, the duty of 6d.;

And for and in respect of every mile which any such stage carriage as aforesaid shall be licensed to travel, the duty of 0½d.

7. If any person who shall have obtained a license under this act to keep, use, and employ a stage carriage to carry not more than eight passengers at one time, shall carry or convey in or upon such carriage more than eight passengers at one time, he shall for every such offence forfeit the sum of 10l.; and every person who shall be carried or conveyed in or upon any such carriage (except the driver thereof) shall be deemed to be a passenger conveyed for hire at a separate fare.

8. It shall be lawful for the Commissioners of Inland Revenue, whenever they shall deem it to be necessary for the accommodation of the public, to grant to any person an occasional license to use a carriage for the conveyance of passengers at separate fares for one day, or for any longer period not exceeding six days in the whole, on payment of the following duties for and in respect of such license (that is to say),—

For a license for one day only:

For a carriage drawn by one horse only .	£0	3	0	
For a carriage drawn by two horses and no more .. .. .		0	5	0
For a carriage drawn by more than two horses .. .. .		0	10	0

And where any such license shall be granted for a longer period than one day there shall be charged and paid for the same the further duty of one-half of the before-mentioned rates respectively for every day after the first, in addition to the rate payable for one day.

9. Every such occasional license to use a carriage for the purpose aforesaid shall be granted under and subject to such conditions, rules, and regulations as the Commissioners of Inland Revenue shall prescribe in that behalf, and the carriage for which such license shall be granted shall be designated in such manner as the said commissioners shall require or direct; and in default of complying with any such rule, regulation, or direction, the person to whom such license shall be granted shall forfeit the sum of 10l.

10. Whereas by the law in force licenses to keep, use, and employ stage carriages expire on the first Sunday in the month of October in each year, and it is expedient to alter the time of the expiration thereof: be it enacted, that all such licenses taken out after the passing of this act shall (except in the cases hereinafter provided for) expire on the first Sunday in the month of November in each year; and every license which shall be taken out after the first Sunday in the month of November in any year, and before the 1st December in the same year, shall be dated on the first Monday in November in the year in which the same shall be granted, and if taken out on or at any time after the 1st December in any year, shall be dated on the day when the same shall be granted; and every license to use a stage carriage in force at the time of the passing of this act shall continue in force until the first Sunday in the month of November next after the passing hereof, and the holder of such license shall be liable to, and chargeable with, the payment of the same

rate and amount of duties as are chargeable upon him according to the terms of such license until the said first Sunday in the last-mentioned month of November, unless such license shall be sooner discontinued.

11. Provided always, that it shall be lawful for any person to take out a license to keep, use, and employ a stage carriage for the conveyance of passengers at separate fares for the period of three months only, commencing on any of the several quarter days following (that is to say), the 1st April, the 1st July, the 1st October, and the 1st January in any year, paying for such license one-fourth part of the duty which would be payable for the granting of such license for one whole year; provided also, that nothing in this act contained shall extend or be construed to repeal or supersede the provisions of the 17th section of the act passed in the 6 Geo. 4, c. 81, authorising the granting of excise licenses for the remainder of a current year, but that such provisions shall be deemed to apply and shall be observed with regard to stage carriage licenses for the remainder of any year ending on the first Sunday in November; and the several quarters corresponding with the termination of such year shall be deemed to consist of ninety-one days.

12. When any person to whom any license shall have been granted for or in respect of any stage carriage shall discontinue the business in relation to such stage carriage, it shall be lawful for the proper officer or officers of excise, upon payment of all duty in arrear due from the person to whom the license was granted, to transfer such license to any other person to whom the original holder thereof shall assign his interest therein; and the person to whom such license shall be transferred shall thereupon be liable to, and chargeable with, the payment of the duty which shall accrue or become payable under such license, or in respect of the stage carriage to which the same shall relate, and shall also be liable to all other the provisions and regulations contained in any act relating to stage carriages, in the same manner as if such last-mentioned person had duly obtained a license in his own name for the keeping, using, and employing of such stage carriage: provided always, that the original holder of such license shall indorse in writing upon the back thereof the name of the person to whom he assigns his interest therein, and shall sign his own name to such indorsement.

13. Whereas, by sect. 4 of stat. 5 & 6 Vict. c. 79, the proprietor, or company of proprietors, of every railway in Great Britain, and other persons therein named, are required to keep and render certain accounts as therein mentioned, and it is expedient to alter the period for which such accounts are directed to be made up, and the time of delivering the same: be it enacted, that the proprietor, or company of proprietors, of every railway in Great Britain, and the persons required by law to keep such accounts as aforesaid, shall deliver to the Commissioners of Inland Revenue, or to the proper officer appointed for receiving the same, within twenty days after the termination of every calendar month, a true copy or true copies of the amounts of all sums of money received or charged, and paid or accounted for, as in the said act is mentioned, during the whole of the calendar month last preceding; and all the provisions and regulations contained in the said act with regard to the accounts therein directed to be rendered, and all bonds and securities entered into or given, or to be entered into or given, with relation thereto, shall apply, continue, and be in force, as well with respect to any surety as to the principal in any such bond, and to the accounts to be kept and rendered at the time and in the manner by this act directed, and the duties payable in respect thereof.

14. The exemption from duty granted by the 9th section of the 7 & 8 Vict. c. 85, in respect of the conveyance of passengers by cheap trains shall not extend to any railway train which shall not be a train running on at least six days of the week, or else a train running to or from a market town on a market day, and approved of by the Lords of the Committee of Privy Council for Trade and Plantations as a cheap train for the conveyance of passengers to or from market, or a train approved by the said Lords of the Committee of Privy Council as an ordinary train of the railway travelling on Sunday, and conveying third-class passengers at fares not exceeding 1d. per mile.

15. Whereas under the laws of excise now in force separate and distinct licenses are granted to the same person to exercise several trades in the same house and premises, and

It is expedient that the authority to exercise two or more of such trades should be combined in one license: be it enacted, that whenever any person shall intend to carry on two or more trades under the excise laws in the same house or premises, the licenses for which several trades would expire by law at the same time, it shall be lawful for the Commissioners of Inland Revenue, in such cases as they shall think fit, to authorise the exercising of the said several trades by one license for that purpose on payment of the amount of the several duties chargeable for several licenses to exercise the same trades respectively.

16. If any person who shall have given notice of his intention to ship any goods or commodities for exportation on drawback shall give another such notice in respect of the same goods or commodities, or shall claim the drawback upon the same goods and commodities more than once, or shall pass any account or do any act for the purpose of obtaining any further or greater amount of drawback upon any such goods or commodities than the drawback payable by law thereon, or whereby, or by means or colour whereof any such further or greater amount of drawback than as aforesaid may be obtained or claimed, he shall forfeit for every such offence the sum of 100*l.*, and treble the amount of the drawback unlawfully obtained or claimed, or which might be obtained or claimed, by means or under colour of any such unlawful act as aforesaid.

17. If any goods or commodities upon the exportation of which a drawback of excise is payable, shall, after the same shall have been shipped on board any vessel for exportation, be brought on shore, or if the package or packages, in which any such goods or commodities shall be contained, shall, after shipment thereof as aforesaid, be opened, or the marks, letters, or devices thereon, be cancelled, obliterated, or altered, without the sanction of the Commissioners of Inland Revenue first had and obtained, all such goods and commodities, and the packages containing the same, shall be forfeited, and may be seized by any officer of Customs or Excise, and the person or persons who shall bring on shore such goods or commodities, or who shall open such packages, or cancel, obliterate, or alter the marks, letters, or devices thereon, or who shall be concerned in doing any of the said acts, shall forfeit the sum of 100*l.*

18. Every license taken out under the provisions contained in the two several acts passed in the 23 & 24 Vict. c. 27 and c. 107, respectively, by a licensed keeper of a refreshment-house, to sell therein by retail foreign wine, to be consumed in such house, or on the premises belonging thereto, shall authorise and include the sale of sweets and made wines, mead, and metheglin, by retail, to be consumed in the said house, or on the said premises.

19. In lieu of the duty now chargeable on a victualler's occasional license, specified in Schedule (B.) of the act passed in the 25 & 26 Vict. c. 22, there shall be charged and paid the following duty (that is to say);—

For and upon every occasional license to be granted to any person who shall be duly authorised to keep a common inn, alehouse, or victualling-house, and licensed to sell therein beer, spirits, wine, or tobacco, to sell the like articles for which he shall be so licensed at any such other place, and for and during such space or period of time not exceeding six days as shall be specified in such occasional license, the sum of 2*s.* 6*d.* for every day so specified as aforesaid for which the same shall be granted:

Provided always, that when any person shall have taken out such an occasional license for six successive days, and shall desire to take out another occasional license for a time in immediate succession, or only separated by the intervention of Sundays and holidays, then the duty chargeable for every license after the first, and for any number of days not exceeding six, shall not exceed 10*s.*

20. Whereas it is expedient to alter and amend the conditions and restrictions upon and under which occasional licenses to sell beer, spirits, or wine, may be granted and used, as provided by the 13th section of the act passed in the 25 & 26 Vict. c. 22: be it enacted as follows:—

(1.) That the consent of one justice of the peace, as in the said section mentioned, only, shall be necessary:

(2.) That the hours during which such occasional license shall authorise the sale of any beer, spirits, or wine, shall extend from sunrise to one hour after sunset:

(3.) That upon the occasion of any public dinner or ball, it shall be lawful for the person who shall have obtained an occasional license, under the provisions of the said act, to sell the said liquors during such hours before or after sunrise or sunset as shall be allowed and specified in that behalf in the consent to be given by the justice of the peace for the granting of such occasional license.

21. Whereas by the 12th section of the act passed in the 25 & 26 Vict. c. 22, so much of any act as permits the sale of beer, spirits, or wine at fairs or races without an excise license, was repealed: be it enacted, that from and after the passing of this act, nothing in the last-recited enactment contained shall extend to prohibit any person duly licensed by the excise to retail beer, spirits, or wine, as in the 11th section of the act passed in the 6 Geo. 4, c. 81, is mentioned, from carrying on his trade or business, for which he shall be so licensed, in booths, tents, or other places, at the time and place, and within the limits of holding any lawful and accustomed fair, by virtue of any law or statute in that behalf, or any public races, in like manner as such person might lawfully have done under the said last-mentioned act if the said act of the 25 & 26 Vict. had not been passed.

22. Whereas the assessment committee provided for by the County Rates Assessment Act, sect. 52, and by the Union Assessment Committee Act, 1862, respectively, are thereby empowered to require assessors, collectors, and other persons therein mentioned, to make and transmit copies of, or extracts from the books of assessment of, any taxes or rates in their custody, and to produce such books as therein mentioned: be it enacted, that nothing in the said act contained shall extend to, authorise, or empower, the said committee to require any assessor, collector, or other person employed in the assessment or collection of the income tax, to make or transmit, or to permit any other person to make, copies of, or extracts from, any assessment, rate, or rate-book, or any document relating to the assessment or collection of the income tax upon profits of trade for or in respect of any quarries, mines, ironworks, gasworks, or other concerns in the nature of trade or manufacture, chargeable under Schedule (A.) of the Income Tax Acts, or to attend before the said committee to produce any such assessment, rate, or rate-book, or other such document as aforesaid, or to be examined by or before such committee touching or concerning the same.

23. It shall be lawful for the commissioners acting in execution of the acts relating to the land tax, the assessed taxes, and the income tax respectively, for any district or division of a county, to sit and hold their meetings, and do any act in execution of the said acts respectively as such commissioners as aforesaid, at any place within any city, town, or other precinct, being a county of itself, or otherwise having exclusive jurisdiction, and situated within, surrounded by, or adjoining to, their respective districts or divisions; and all such acts, matters, and things to be so done by such commissioners, within such city, town, or precinct, as commissioners acting for such district or division, shall be as valid and effectual in law as if the same had been done within such district or division.

24. And whereas by an act passed in the present session of Parliament, intituled "An Act to give further Facilities to the Holders of the Public Stocks," certificates of title to shares in the public stocks are authorised to be issued having annexed coupons entitling the bearer to the dividends payable in respect thereof, and by sect. 11 of the same act it is enacted that the income tax shall be deducted from any coupons payable under the said act in like manner as it may be deducted from the dividends payable at the Bank in respect of the stock of proprietors inscribed in the books of the Bank: be it enacted, that the income tax shall be deducted from any such coupons as aforesaid, although the half-yearly payment thereon shall not amount to 50*s.*, anything in any former act to the contrary notwithstanding.

25. Whereas by the law in force licenses to deal in or sell tobacco or snuff expire on the 5th July in each year, and it is expedient to alter the time of the expiration of such licenses taken out for the sale of tobacco or snuff in inns or houses licensed for the sale of beer by retail to be consumed upon the premises: be it enacted, that all such licenses aforesaid taken out by innkeepers or persons licensed to sell beer to be



consumed upon the premises after the 5th July next after the passing of this act, and before the 11th October, 1864, shall be and continue in force until the said last-mentioned day; and all such licenses which shall be taken out on or after the said last-mentioned day shall expire on the 10th October next after the granting thereof; and every such license as aforesaid which shall be in force at the time of the passing of this act, or which shall be taken out on or before the said 5th July, shall continue in force until the 11th October next after the passing hereof; and in respect of every such license as aforesaid which shall be in force between the 5th July and the 11th October next after the passing of this act there shall be charged and paid in respect of the said last-mentioned period, and in addition to the duty paid or payable thereon, the duty for one quarter of a year, and such additional duty shall be recoverable in like manner as any other duty of excise.

23. All the powers, provisions, clauses, regulations, forfeitures, pains, and penalties contained in or imposed by any act or acts relating to any duties of the same kind or description as the several rates or duties granted by this act respectively, and in force at the time of the passing of this act, and not hereby expressly repealed, shall respectively be in full force and effect with respect to the said rates and duties by this act granted respectively, so far as the same are or shall be applicable, in all cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution for, and in the raising, levying, collecting, and securing of the said last-mentioned rates and duties, and otherwise in relation thereto, so far as the same shall not be superseded by, and shall be consistent with, the express provisions of this act, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the rates and duties by this act granted respectively.

## CAP. XXXIV.

An Act to carry into effect an additional Article to the Treaty of the 7th April, 1863, between Her Majesty and the United States of America, for the Suppression of the African Slave Trade. [29th June, 1863.]

Sect. 1. Where right of search may be exercised.

2. Additional article to have the same force &c. as the treaty.

3. This and acts of 1862 to be read as one.

4. Short title.

## CAP. XXXV.

An Act for the Prevention and Punishment of Offences committed by Her Majesty's Subjects in South Africa. [29th June, 1863.]

## CAP. XXXVI.

An Act for carrying into effect the Report of the Commissioners appointed to inquire into the State of the Dioceses of Canterbury, London, Winchester, and Rochester; and for other Purposes. [29th June, 1863.]

Sect. 1. Short title.

2. Recommendation of commissioners as to certain parishes herein named confirmed.

3. As to the jurisdiction of Archdeacon of St. Albans.

## CAP. XXXVII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses, of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers. [29th June, 1863.]

## CAP. XXXVIII.

An Act to amend the Act for placing the Employment of Women, young Persons, and Children in Bleaching Works and Dyeing Works, under the Regulation of the Factories Acts. [29th June, 1863.]

Sect. 1. That the words "bleaching works" and "dyeing

works" in the said recited act shall be further understood to mean any building, buildings, or premises in which females, young persons, and children are employed, and in any part of which buildings or premises any process previous to packing is carried on in the occupation of calendering or finishing of any yarn, or cloth of cotton, wool, silk, or flax, or any of them, or any mixture of them, or any yarn or cloth of any other material or materials, or in any process incident to such calendering or finishing, and in one or more of which processes steam, water, or other mechanical power is used or employed: provided always, that nothing in this act contained shall extend to any building, buildings, or premises defined to be a "factory," by the act of the 7 & 1 Vict. c. 15, intituled "An Act to amend the Laws relating to Labour in Factories."

## CAP. XXXIX.

An Act to authorise the Inclosure of certain Lands, in pursuance of a Special Report of the Inclosure Commissioners. [13th July, 1863.]

## CAP. XL.

An Act for the Regulation of Bakehouses. [13th July, 1863.]

Sect. 1. Short title.

2. Interpretation of terms.

3. Limitation of hours of labour of persons under eighteen years of age.

4. Regulations as to cleanliness of bakehouse.

5. As to sleeping-places near bakehouses.

6. Power to local authority to enforce provisions of this act.

7. As to expenses of local authority acting under this act.

8. Recovery of penalties.

9. Jurisdiction of certain magistrates.

Whereas it is expedient to limit the hours of labour of young persons employed in bakehouses, and to make regulations with respect to cleanliness and ventilation in bakehouses: be it enacted &c. as follows:—

Sect. 1. This act may be cited as "The Bakehouse Regulation Act, 1863."

2. For the purposes of this act the words hereinafter mentioned shall be construed as follows—that is to say,

"Local authority" shall, as respects any place, mean the persons or bodies of persons defined to be the local authority in that place by the 134th section of the act passed in the 18 & 19 Vict. c. 120, or by the Nuisances Removal Acts hereinafter mentioned; that is to say, as to England, by the act passed in the 18 & 19 Vict. c. 121, as amended by the act passed in the 23 & 24 Vict. c. 77; as to Scotland, by the act passed in the 19 & 20 Vict. c. 103; and as to Ireland, by the acts passed, one in the 11 & 12 Vict. c. 123, and the other in the 12 & 13 Vict. c. 111:

"Bakehouse" shall mean any place in which are baked bread, biscuits, or confectionery, from the baking or selling of which a profit is derived:

"Employed," as applied to any person, shall include any person working in a bakehouse, whether he receives wages or not:

"Occupier" shall include any person in possession:

"The court" shall include any justice or justices, sheriff or sheriff substitute, magistrate or magistrates, to whom jurisdiction is given by this act.

3. No person under the age of eighteen years shall be employed in any bakehouse between the hours of nine of the clock at night and five of the clock in the morning.

If any person is employed in contravention of this section the occupier of the bakehouse in which he is employed shall incur the following penalties in respect of each person so employed—that is to say,

For the first offence, a sum not exceeding 2l.:

For a second offence, a sum not exceeding 5l.:

For a third and every subsequent offence, a sum not exceeding 1l. for each day of the continuance of the employment in contravention of this act, so that no greater penalty be imposed than 10l.

4. The inside walls and ceiling or top of every bakehouse situate in any city, town, or place containing, according to

the last census, a population of more than 5000 persons, and the passages and staircase leading thereto, shall either be painted with oil or be limewashed, or partly painted and partly limewashed: where painted with oil there shall be three coats of paint, and the painting shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every six months: where limewashed, the limewashing shall be renewed once at least in every six months.

Every bakehouse, wherever situate, shall be kept in a cleanly state, and shall be provided with proper means for effectual ventilation, and be free from effluvia arising from any drain, privy, or other nuisance.

If the occupier of any bakehouse fails to keep the same in conformity with this section, he shall be deemed to be guilty of an offence against this act, and to be subject in respect of such offence to a penalty not exceeding 5*l*.

The court having jurisdiction under this act may, in addition to, or instead of, inflicting any penalty in respect of an offence under this section, make an order directing that within a certain time to be named in such order certain means are to be adopted by the occupier for the purpose of bringing his bakehouse into conformity with this section; the court may, upon application, enlarge any time appointed for the adoption of the means directed by the order, but any non-compliance with the order of the court shall, after the expiration of the time as originally limited or enlarged by subsequent order, be deemed to be a continuing offence, and to be punishable by a penalty not exceeding 1*l*. for every day that such non-compliance continues.

5. No place on the same level with a bakehouse situate in any city, town, or place containing according to the last census a population of more than 5000 persons, and forming part of the same building, shall be used as a sleeping-place, unless it is constructed as follows—that is to say,

Unless it is effectually separated from the bakehouse by a partition extending from the floor to the ceiling:

Unless there be an external glazed window of at least nine superficial feet in area, of which at the least four-and-a-half superficial feet are made to open for ventilation:

And any person who lets, occupies, or continues to let, or knowingly suffers to be occupied, any place contrary to this act, shall be liable for the first offence to a penalty not exceeding 30*s*., and for every subsequent offence to a penalty not exceeding 5*l*.

6. It shall be the duty of the local authority to enforce within their district the provisions of this act, and in order to facilitate the enforcement thereof, any officer of health, inspector of nuisances, or other officer appointed by the local authority, hereinafter referred to as the inspector, may enter into any bakehouse at all times during the hours of baking, and may inspect the same, and examine whether it is not in conformity with the provisions of this act; and any person refusing admission to the inspector, or obstructing him in his examination, shall for each offence incur a penalty not exceeding 30*l*.; and it shall be lawful for any inspector who is refused admission to any bakehouse, in pursuance of this section, to apply to any justice for a warrant authorising him, accompanied by a police constable, to enter into any such bakehouse for the purpose of examining the same, and to enter the same accordingly.

7. All expenses incurred by any local authority in pursuance of the provisions of this act may be paid out of any rate leviable by them, and applicable to the payment of the expenses incurred by the local authority under the said Nuisances Removal Acts, and the said authority may levy such rate accordingly.

#### Penalties.

8. All penalties under this act may be recovered summarily before two or more justices; as to England, in manner directed by an act passed in the 11 & 12 Vict. c. 43, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales, with respect to summary Convictions and Orders," or any act amending the same; as to Ireland, in manner directed by the act passed in the 14 & 15 Vict. c. 93, intituled "An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in Ireland," or any act amending the same; and, as to Scotland, upon summary conviction, with

power for the justices having cognisance of the case to sentence the offender to imprisonment for a period not exceeding three months, until the penalty and the expenses of conviction are paid.

9. Any act, power, or jurisdiction hereby authorised to be done or exercised by two justices may be done or exercised by the following magistrates within their respective jurisdictions—that is to say, as to England, by any metropolitan police magistrate or other stipendiary magistrate sitting alone at a police court or other appointed place, or by the lord mayor of the city of London, or any alderman of the said city sitting alone or with others at the Mansion House or Guildhall; as to Ireland, by any one or more divisional magistrates of police in the police district of Dublin, and elsewhere by one or more justice or justices of the peace in petty sessions; and as to Scotland, by the sheriff or sheriff substitute, or by any police magistrate of a burgh.

#### CAP. XLI.

An Act to amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them.

[13th July, 1863.]

Sect. 1. *Innkeeper not to be liable for loss, &c. beyond 30*l*., except in certain cases.*

2. *Obligation to receive property of guests for safe custody.*

3. *Notice of law, &c. to be conspicuously exhibited.*

4. *Interpretation of terms.*

Whereas it is expedient to amend the law concerning the liability of innkeepers in respect of the goods of their guests in manner hereinafter mentioned: be it therefore enacted &c. as follows—that is to say,

Sect. 1. No innkeeper shall, after the passing of this act, be liable to make good to any guest of such innkeeper any loss of, or injury to, goods or property brought to his inn, not being a horse or other live animal, or any gear appertaining thereto, or any carriage, to a greater amount than the sum of 30*l*., except in the following cases—that is to say,

(1). Where such goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such innkeeper, or any servant in his employ;

(2). Where such goods or property shall have been deposited expressly for safe custody with such innkeeper:

Provided always, that in the case of such deposit it shall be lawful for such innkeeper, if he think fit, to require, as a condition of his liability, that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

3. If any innkeeper shall refuse to receive for safe custody, as before mentioned, any goods or property of his guest, or if any such guest shall, through any default of such innkeeper, be unable to deposit such goods or property as aforesaid, such innkeeper shall not be entitled to the benefit of this act in respect of such goods or property.

3. Every innkeeper shall cause at least one copy of the 1st section of this act, printed in plain type, to be exhibited in a conspicuous part of the hall or entrance to his inn, and he shall be entitled to the benefit of this act in respect of such goods or property only as shall be brought to his inn while such copy shall be so exhibited.

4. The words and expressions hereinafter contained, which in their ordinary signification have a more confined or a different meaning, shall in this act, except where the nature of the provision of the context of the act shall exclude such construction, be interpreted as follows—that is to say, the word "inn" shall mean any hotel, inn, tavern, public-house, or other place of refreshment, the keeper of which is now by law responsible for the goods and property of his guests; and the word "innkeeper" shall mean the keeper of any such place.

#### CAP. XLII.

An Act to amend the Act of the Twentieth and Twenty-first Years of Victoria, authorising the Sale of Mill Sites and Water Powers by the Commissioners of Public Works in Ireland.

[13th July, 1863.]

Sect. 1. Limit of five years, as fixed by sect. 2 of recited act, for sale of mill sites, repealed.

## CAP. XLIII.

An Act to enable Her Majesty's Postmaster-General to sell and otherwise to dispose of Land. [13th July, 1863.]

Sect. 1. Postmaster-General empowered to sell or exchange lands.

2. Rights of way.

3. Purchaser not to be bound to inquire into authority of Postmaster-General to execute deed.

4. Monies payable to Postmaster-General under this act to be paid into the Bank of England.

5. Former leases confirmed.

6. On appointment of Postmaster-General, contracts, &c. vested in his predecessor transferred.

7. Short title.

## CAP. XLIV.

An Act for the further Security of the Persons of Her Majesty's Subjects from personal Violence.

[13th July, 1863.]

Whereas by the 43rd section of the act of the session of the 24 & 25 Vict. c. 86, it is provided, that "whosoever shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob, any person, or shall, together with one or more other person or persons, rob, or assault with intent to rob, any person, or shall rob any person, and at the time of or immediately before or immediately after such robbery shall wound, beat, strike, or use any other personal violence to any person;" and by the 21st section of the act of the 24 & 25 Vict. c. 100, that "whosoever shall by any means attempt to choke, suffocate, or strangle any person, or by any means calculated to choke, suffocate, or strangle, attempt to render any person insensible, unconscious, or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement;" and whereas the punishment awarded by the said sections is insufficient to deter from crimes of violence: be it enacted &c. as follows:—

Sect. 1. Where any person is convicted of a crime under either of the said sections, the court before whom he is convicted may, in addition to the punishment awarded by the said sections or any part thereof, direct that the offender, if a male, be once, twice, or thrice privately whipped, subject to the following provisions:—

(1). That in the case of an offender whose age does not exceed sixteen years the number of strokes at each such whipping do not exceed twenty-five, and the instruments used shall be a birch rod:

(2). That in the case of any other male offender the number of strokes do not exceed fifty at each such whipping:

(3). That in each case the court in its sentence shall specify the number of strokes to be inflicted and the instrument to be used:

Provided that in no case shall such whipping take place after the expiration of six months from the passing of the sentence; provided also, that every such whipping to be inflicted on any person sentenced to penal servitude shall be inflicted on him before he shall be removed to a convict prison with a view to his undergoing his sentence of penal servitude.

## CAP. XLV.

An Act for making a new Street from Blackfriars to the Mansion House, in the City of London, in connexion with the Embankment of the River Thames, on the Northern Side of that River; and for other Purposes.

[13th July, 1863.]

## CAP. XLVI.

An Act for further continuing and appropriating the London Coal and Wine Duties.

[13th July, 1863.]

Sect. 1. Continuance of duties and acts for a further period of ten years.

2. Coal duty of 4d. to be applied by corporation of London to Holborn-hill improvements.

3. Short title.

## CAP. XLVII.

An Act for removing Doubts as to the Powers of the Courts of the Church of Scotland, and extending the Powers of the said Courts.

[13th July, 1863.]

Sect. 1. When a libel found relevant against a minister, presbytery may require and enjoin him to abstain from the discharge of his functions.

2. When a minister has become insane, presbytery to appoint an assistant.

3. Provision in case of a minister being suspended.

4. Church court may appoint a person to dictate the evidence of witnesses, or appoint a shorthand writer to take it down.

## CAP. XLVIII.

An Act to repeal the Act of the 20 & 21 Vict. c. 66, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.

[13th July, 1863.]

Sect. 1. The 20 & 21 Vict. c. 66, repealed.

2. Offences against repealed act, and articles of war made under it, and all existing proceedings, continued.

3. Not to affect provisions of the 7 & 8 Vict. c. 28.

4. Commencement of act.

5. Not to affect certain matters, &c., as to native Indian officers and soldiers.

## CAP. XLIX.

An Act giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of Cornwall, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other Purposes.

[13th July, 1863.]

Sect. 1. The 5 & 6 Vict. c. 2, and sect. 4 of the 11 & 12 Vict. c. 83, repealed.

2. Reestablishing a seal to be called "The Seal of the Duchy of Cornwall."

3. Power of sale and enfranchisement.

4. Mode of carrying sales into effect.

5. Form of assurance.

6. Remedy for recovery of annual sums. Power to release a portion of the lands chargeable.

7. Power to purchase lands.

8. Application of the monies to arise from sales, &c.

9. Power to grant annuities in lieu of estates surrendered.

10. Provision as to settlement of disputed rights.

11. Sales, &c. to be made under warrant from the Treasury.

12. Payments to be made by drafts on the Bank of England.

13. Sums arising from sales and not immediately wanted to be invested in the 3l. per Cents.

14. Application of dividends.

15. Stocks purchased may be sold when funds are required.

16. Transfer of stock may be made under power of attorney.

17. Monies and stock standing in the name of the Duke of Cornwall at the Bank of England to be treated as arising under this act.

18. Power to refer disputes to arbitration.

19. Purchasers, &c. not to be bound to see that provisions of the act have been complied with;

20. Nor to see to the application of the purchase money.

21. Power to grant leases for thirty-one years without fine.

22. Power to grant leases for ninety-nine years for purposes of improvement, without fine.

23. Fines may be taken in special cases with the consent of the Treasury.

24. Covenants in leases to be as effectual as if the Duke of Cornwall had an absolute estate.

25. Leases not to be otherwise than for fixed terms of years except in certain cases.

26. New leases may be granted on the surrender of existing interests.

27. The Duke of Cornwall may accept a surrender of any lease, and grant separate leases at apportioned rents.
28. Concurrence of underleases not required on a surrender for obtaining a new grant.
29. Severance of reversion not to prejudice condition of re-entry, &c.
30. Deeds, &c. to be enrolled.
31. Keeper of records to enrol deeds, &c. in order of time, and to certify enrolment.
32. Deeds, &c. so enrolled not to require enrolment in courts of law, &c.
33. Certain enrolments may be made nunc pro tunc.
34. Power to appoint a person to enter into contracts.
35. Proviso as to grants of licenses to demise.
36. Power to grant land for sites of churches, &c.
37. Interpretation of terms.
38. Proviso for exercise of powers when a Duke of Cornwall is under twenty-one years of age.
39. Proviso for exercise of powers when the Duchy of Cornwall is vested in the Crown.
40. This act not to interfere with existing powers except where expressly altered.
41. Authorising exchanges of minerals under Inclosure Acts.
42. Short title.

## CAP. L.

An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the 1st January, 1866, and to amend the said Act. [13th July, 1863.]

- Section 1. Extension of time for making &c. by-laws.
2. Notice to be given for calling first meeting of district boards.
3. As to reading of sect. 33 of recited act.
4. Power to commissioners to extend the limits of the mouth of the river Tweed. As to application of certain rates or assessments.

## CAP. LI.

An Act to amend the Passengers Act, 1855.

[13th July, 1863.]

- Section 1. Short title.
2. Commencement of act.
3. Definition of "passenger ship" in sect. 3 of recited act repealed, and other provisions made.
4. Mail steamers carrying other than cabin passengers to be subject to the act.
5. Repeal of tonnage check on number of passengers to be carried in a passenger ship.
6. Cabin passengers to be included in passenger lists.
7. Limit of penalty on stowaways extended from 5*l.* to 20*l.*
8. Horses and cattle may be carried in passenger ships, under conditions herein named. Definition of the term "large cattle." Dogs and pigs.
9. Issue of lime juice.
10. Substitution of soft bread for other bread stuffs.
11. Sect. 46 of recited act to apply to cabin passengers, and passage money made recoverable immediately on relanding.
12. Sects. 12, 51, 53, and 54 of recited act repealed, and other provisions substituted.
13. Forfeiture of ship if master proceeds to sea without certificate of clearance, &c. Such ship to be dealt with as if seized under Customs laws. Power to Secretary of State to release ships on payment of a sum of money.
14. In case of wreck or damage in or near United Kingdom, passengers to be provided with a passage by some other vessel, and maintained in the meantime. Power to remove passengers from damaged ship. Penalty on passengers refusing.
15. Governors or consuls may send on passengers if the master of the ship fail to do so.
16. Expenses incurred under the two preceding sections to be a debt due to the Crown. Passengers forwarded by governor, &c., not entitled to return of passage money.

17. Bond to repay expenses of rescuing and forwarding shipwrecked passengers, where owners and charterers of vessels reside abroad.
18. Recited act and this to be as one.

Whereas it is expedient to amend the Passengers Act, 1855, in the particulars hereinafter mentioned: be it therefore enacted &c., as follows:—

Sect. 1. This act may be cited for all purposes as "The Passengers Act Amendment Act, 1863."

2. This act shall come into operation on the 1st October, 1863.

3. The definition in the 3rd section of the Passengers Act, 1855, of the term "passenger ship," is hereby repealed; and for the purposes of the said act and of this act the term "passenger ship" shall signify every description of sea-going vessel, whether British or foreign, carrying, upon any voyage to which the provisions of the said Passengers Act, 1855, shall extend, more than fifty passengers, or a greater number of passengers than in the proportion of one statute adult to every thirty-three tons of the registered tonnage of such ships, if propelled by sails, or than one statute adult to every twenty tons, if propelled by steam.

4. So much of the 4th section of the said Passengers Act, 1855, as exempts from the operation of the act any steam vessel carrying mails under contract with the Government of the State or colony to which such vessel may belong, is hereby repealed; and every steam vessel, whether British, foreign, or colonial, which shall carry passengers other than cabin passengers in sufficient number to bring such vessel within the definition of a passenger ship, as set forth in the 3rd section of this act, shall be subject to the provisions of the said act and of this act in like manner as any passenger ship not carrying a mail.

5. The first rule of the 14th section of the said Passengers Act, 1855, which limits the number of persons to be carried in a passenger ship by her registered tonnage, together with so much of the concluding portion of the same section as relates to such rule, is hereby repealed, except so far as relates to any penalty incurred, or legal proceedings taken thereunder.

6. In the passenger lists required by the 16th and 17th sections of the Passengers Act, 1855, to be delivered by the master of every ship before demanding a clearance, there shall be set forth, in addition to the other particulars required by the Passengers Act, 1855, the names of all cabin passengers on board such ships, specifying whether they respectively are under or over twelve years of age, and at what place the passengers and cabin passengers respectively are to be landed, and the Schedule (B.) to the said act shall be altered accordingly.

7. The limit of the penalty imposed by the 18th section of the said Passengers Act, 1855, on persons convicted of getting on board any passenger ship with intent to obtain a passage therein without the consent of the owner, charterer, or master thereof, and on persons aiding or abetting in such fraudulent attempt, shall be extended from 5*l.* to 20*l.*

8. Notwithstanding the prohibition contained in the 29th section of the said Passengers Act, 1855, horses and cattle may be carried as cargo in passenger ships, subject to the following conditions:—

- (1.) That the animals be not carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment, except in a ship built of iron, and of which the compartments are divided off by water-tight bulkheads extending to the upper deck;
- (2.) That clear space on the spar or weather deck be left for the use and exercise of the passengers, at the rate of at least ten superficial feet for each statute adult;
- (3.) That no greater number of passengers be carried than in the proportion of fifteen to every one hundred tons of the ships registered tonnage;
- (4.) That in passenger ships of less than five hundred tons registered tonnage, not more than two head of large cattle be carried; nor in passenger ships of larger tonnage, more than one additional head of such cattle for every additional two hundred tons of the ship's registered tonnage; nor more in all, in any

passenger ship, than ten head of such cattle: the term "large cattle" shall include both sexes of horned cattle, deer, horses, and asses; four sheep of either sex, or four female goats, shall be equivalent to, and may, subject to the same conditions, be carried in lieu of one head of large cattle:

(5). That proper arrangements be made, to the satisfaction of the emigration officer at the port of clearance, for the housing, maintenance, and cleanliness of the animals, and for the stowage of their fodder:

(6). Not more than six dogs, and no pigs or male goats, shall be conveyed as cargo in any passenger ship: for any breach of this prohibition, or of any of the above conditions, the owner, charterer, and master of the ship, or any of them, shall be liable for each offence to a penalty not exceeding 300*l.*, nor less than 5*l.*

9. The requirements of the 35th section of the said Passengers Act, 1855, that six ounces of lime juice should be issued weekly to each statute adult on voyages exceeding eighty-four days in duration for sailing vessels, or fifty days for steamers, shall be confined to the period when the ship shall be within the tropics; during the other portions of the voyage, the issue of lime juice shall be at the discretion of the medical practitioner on board; or, if there be no such practitioner on board, at the discretion of the master of the ship.

10. In addition to the substitutions in the dietary scales specified in the 35th section of the said Passengers Act, 1855, soft bread baked on board may be issued, at the option of the master of any passenger ship, in lieu of the following articles, and in the following proportions; (that is to say), one pound and a quarter of a pound of such soft bread may be issued in lieu of one pound of flour, or of one pound of biscuit, or of one pound and a quarter of a pound of oatmeal, or of one pound of rice, or of one pound of peas.

11. The 46th section of the said Passengers Act, 1855, shall be applicable to cabin as well as to other passengers landed on account of sickness; and the passage money of all cabin or other passengers so landed may be recovered in the manner pointed out in the said act, upon the delivery up of their contract tickets, and notwithstanding that the ship may not have sailed: provided always, that in the case of cabin passengers so landed, one-half only of their passage money shall be recoverable.

12. The 12th, 51st, 53rd, and 54th sections of the said Passengers Act, 1855, shall be and the same are hereby repealed, except as to the recovery and application of any penalty for any offence committed against the said act, and except so far as may be necessary for supporting or continuing any proceeding heretofore taken, or hereafter to be taken thereunder; and in lieu of the enactments contained in such sections, the enactments in the four next following sections shall respectively be substituted; (that is to say),

13. If any passenger ship shall clear out or proceed to sea without the master having first obtained such certificate of clearance, or without his having joined in executing such bond to the Crown as by the said Passengers Act, 1855, are required, or if such ship, after having put to sea, shall put into any port or place in the United Kingdom in a damaged state, and shall leave, or attempt to leave, such port or place with passengers on board without the master having first obtained such certificate of clearance as is required by sect. 50 of the said Passengers Act, 1855, such ship shall be forfeited to the use of her Majesty, and may be seized by any officer of customs, if found, within two years from the commission of the offence, in any port or place in her Majesty's dominions; and such ship shall thereupon be dealt with in the same manner as if she had been seized as forfeited for an offence incurring forfeiture under any of the laws relating to the customs: provided that it shall be lawful for one of her Majesty's Principal Secretaries of State to release, if he shall think fit, any such forfeited ship from seizure and forfeiture, on payment by the owner, charterer, or master thereof, to the use of her Majesty, of such sum, not exceeding 2000*l.*, as such Secretary of State may, by any writing under his hand, specify.

14. If any passenger ship shall be wrecked, or otherwise rendered unfit to proceed on her intended voyage, while in any port of the United Kingdom, or after the commencement of the voyage, and if the passengers, or any of them, shall be

brought back to the United Kingdom, or if any passenger ship shall put into any port or place in the United Kingdom in a damaged state, the master, charterer, or owner shall, within forty-eight hours thereafter, give to the nearest emigration officer, or in the absence of such officer to the chief officer of customs, a written undertaking to the following effect; that is to say, if the ship shall have been wrecked, or rendered unfit as aforesaid to proceed on her voyage, that the owner, charterer, or master thereof shall embark and convey the passengers in some other eligible ship, to sail within six weeks from the date thereof, to the port or place for which their passages respectively had been previously taken; and if the ship shall have put into a port in a damaged state, then that she shall be made seaworthy, and fit in all respects for her intended voyage, and shall, within six weeks from the date of such undertaking, sail again with her passengers; in either of the above cases the owner, charterer, or master shall, until the passengers proceed on their voyage, either lodge and maintain them on board in the same manner as if they were at sea, or to pay to them subsistence money after the rate of 1*s.* 6*d.* a day for each statute adult, unless the passengers shall be maintained in any hulk or establishment under the superintendence of the Emigration Commissioners mentioned in the said Passengers Act, 1855, in which case the subsistence money shall be paid to the emigration officer at such port or place. If the substituted ship or damaged ship, as the case may be, shall not sail within the time prescribed as aforesaid, or if default shall be made in any of the requirements of this section, such passengers respectively, or any emigration officer on their behalf, shall be entitled to recover by summary process, as in the said Passengers Act, 1855, is mentioned, all monies which shall have been paid by or on account of such passengers, or any of them, for such passage, from the party to whom or on whose account the same may have been paid, or from the owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer: provided that the said emigration officer may, if he shall think it necessary, direct that the passengers shall be removed from such damaged "passenger ship," at the expense of the master thereof; and if after such direction any passenger shall refuse to leave such ship he shall be liable to a penalty not exceeding 40*s.*, or to imprisonment not exceeding one calendar month.

15. If any passenger or cabin passenger of any passenger ship shall, without any neglect or default of his own, find himself within any colonial or foreign port or place other than that for which the ship was originally bound, or at which he or the Emigration Commissioners, or any public officer or other person on his behalf, may have contracted that he should land, it shall be lawful for the governor of such colony, or for any person authorised by him for the purpose, or for her Majesty's consular officer at such foreign port or place, as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall, within forty-eight hours of the arrival of such passenger, give to the governor or consular officer, as the case may be, a written undertaking to forward or carry on, within six weeks thereafter, such passenger or cabin passenger to his original destination, and unless such master shall accordingly forward or carry him on within that period.

16. All expenses incurred under the last preceding section or under the 52nd section of the Passengers Act, 1855, or either of them, by or by the authority of such Secretary of State, governor, or consular officer, or other person, as there-in respectively mentioned, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions, and stores, shall become a debt to her Majesty and her successors from the owner, charterer, and master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of her Majesty, in like manner as in the case of other Crown debts; and a certificate in the form in Schedule (A.) hereto annexed, or as near thereto as the circumstances of the case will admit, purporting to be under the hand of any such Secretary of State, governor, or consular officer (as the case may be), stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the handwriting or of the official character of such Secretary of State, governor, or consular officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly

incurred, nor shall it be necessary to adduce on behalf of her Majesty any other evidence in support of the claim, but judgment shall pass for the Crown, with costs of suit, unless the defendant shall specially plead and duly prove that such certificate is false or fraudulent, or shall specially plead and prove any facts shewing that such expenses were not duly incurred under the provisions of this act, and of the said Passengers Act, 1855, or either of them: provided nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received or due to and recoverable by or on account of the owner, charterer, or master of such passenger ship, or any of them, for or in respect of the whole number of passengers and cabin passengers who may have embarked in such ship, which total amount of passage money shall be proved by the defendant, if he will have the advantage of this limitation of the debt; but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage under the provisions of the said Passengers Act, 1855.

17. In the case of a passenger ship, of which neither the owners nor charterers reside in the United Kingdom, the bond required to be given to the Crown by the 63rd section of the Passengers Act, 1855, shall be for the sum of: 5000*l.* instead of 2000*l.*; and an additional condition shall be inserted in such bond to the effect that the obligors therein shall, subject to the provisions and limitations hereinbefore contained, be liable for and shall pay to her Majesty and her successors, as a crown debt, all expenses which may be incurred under the provisions hereinbefore and in the Passengers Act, 1855, contained, in rescuing, maintaining, and forwarding to their destination, any passengers of such ships, who by reason of shipwreck or any other cause, except their own neglect or default, may not be conveyed to their intended destination by or on behalf of the owner, charterer, or master of such ship.

18. The said Passengers Act, 1855, and this act, shall be construed together as one act.

#### SCHEDULE (A.)

##### *Form of Governor's or Consul's Certificate of Expenditure in the Case of Passengers shipwrecked, &c.*

I hereby certify, that, acting under and in conformity with the provisions of the British Passengers Act, 1855, and of the Passengers Act Amendment Act, 1863, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions, and stores\*, and in forwarding to their destination — passengers [including — cabin passenger†], who were proceeding from — to —, in the passenger ship —, which was wrecked at sea, &c.‡

And I further certify, for the purposes of the 10th section of the said Passengers Amendment Act, 1863, that the total amount of such expenses is —*l.*, and that such expenses were duly incurred by me under the said acts, or one of them.

Given under my hand this — day of —, 18—.

{ Governor of, &c. (or as the case may be), her Britannic Majesty's Consul at —.

\* N. B.—1. If more passengers were rescued than forwarded, or if bedding, &c., was not supplied, alter the certificate to suit the facts of the case.

† N. B.—2. Omit words in brackets when necessary.

‡ N. B.—3. State generally the nature of the disaster and where it occurred. But if the passengers were only left behind, without any default of their own, state the fact accordingly.

#### CAP. LII.

An Act to further extend and make compulsory the Practice of Vaccination in Ireland. [13th July, 1863.]

Sect. 1. Parents and guardians of children born after the 1st January, 1864, to have such children vaccinated within six months after birth.

2. Children to be taken for inspection by medical officer on eighth day after the operation.

3. Certificate of successful vaccination to be delivered.

4. If the child be not in a fit state for vaccination, the me-

dical officer to deliver a certificate to that effect, to be in force for two calendar months.

5. Sect. 2 of the 21 & 22 Vict. c. 64, repealed. Rate of payment for successful cases of vaccination.

6. Child's incapacity to receive the vaccine disease to be certified.

7. Registrars of births and deaths to keep a register of cases of successful vaccination, of which searches and extracts may be made.

8. Notice to be given of the requirement of vaccination, and on failure of parent or guardian to comply therewith, penalty.

9. Fee to registrar.

10. Penalty for omitting to register vaccination.

11. Registrar-general to provide books and forms for carrying out the provisions of this act.

12. Recovery of penalties.

13. Power to guardians of poor to direct proceedings to be instituted.

#### CAP. LIII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom. [13th July, 1863.]

Sect. 1. Meetings relating to the militia of the United Kingdom and ballots for such militia suspended.

2. Proceedings may be had during such suspension by Order in Council.

3. So long as lists are suspended, not necessary to transmit extracts, &c., as required by sect. 3 of the 7 Geo. 4, c. 58.

4. Not to extend to prevent the holding of certain meetings relating to the militia.

#### CAP. LIV.

An Act for vesting in Her Majesty's Principal Secretary of State for the War Department certain Lands and Hereditaments at Walmer, in the County of Kent.

[13th July, 1863.]

#### CAP. LV.

An Act to continue the Poor-law Board for a limited Period. [21st July, 1863.]

#### CAP. LVI.

An Act to make perpetual an Act to amend the Laws relating to Loan Societies. [21st July, 1863.]

Sect. 1. Recited act, 3 & 4 Vict. c. 110, made perpetual.

#### CAP. LVII.

An Act to consolidate and amend the Acts relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers in case of Death, and to make like Provision for the Cases of Desertion and Insanity, and other Cases. [21st July, 1863.]

Sect. 1. Short title.

2. Interpretation of terms. 21 & 22 Vict. c. 106.

3. Repeal of enactments in schedule.

4. Definition of preferential charges on property, military debts, &c.

5. Surplus only of personal estate to be deemed personal estate.

6. Questions respecting amount, payment, &c. of preferential charges to be decided by Secretary of State, or in India by military secretary to government of presidency.

7. On death of officer or soldier on service, committee of officers to secure effects.

8. If preferential charges not paid, power to committee to sell and convert effects, and to get in credits, and, after payment of expenses, to secure surplus.

9. In India, power for committee to deliver over effects to administrator-general.

10. Remittance of surplus by committee.

11. As to the payment of surplus where deaths occur in India or elsewhere.

12. Provision where death occurs in India, the deceased not being a soldier.

13. On receipt of surplus at War or India Office, notices to be published in the London Gazette, &c. as to amount to credit of deceased, and other particulars.



14. Residue exceeding 100*l.* to be paid to representative of deceased.

15. Residue not exceeding 100*l.* to be paid to representative, if any.

16. Where residue does not exceed 100*l.*, and no representation, War or India Office empowered to pay it over for benefit of widow, &c., or to invest it for benefit of children, &c.

17. Provision in last-mentioned case for payment of debts out of residue.

18. Residues undisposed of for six years to be applied towards compassionate fund.

19. Medals and decorations excepted; to be disposed of according to royal warrant.

20. Special provision for case of death of regimental paymaster.

21. Restriction on interposition of official administrators. Duties of administrators.

22. Money remitted not to be assets in place where remitted to.

23. Deduction of arrears of subscription to military and orphan funds.

24. Exemptions from duty.

25. Creditor administering not entitled to claim property.

26. Deposit in Court of Probate, &c. of original wills in hands of Secretary of State and declarations of intestacy.

27. On desertion, committee of officers to sell effects, and pay expenses.

28. Application of surplus.

29. Absence without leave.

30. Act to apply to apprentices and felons.

31. In case of insanity, committee of officers to secure effects.

32. Liability of effects as to be applied for payment of preferential charges.

33. If preferential charges not paid, power for committee to sell and apply proceeds.

34. Power to War or India Office to apply officer's half-pay, in case of insanity, for his benefit.

35. Validity of payments, sales, &c. under this act. Indemnity to officers and others acting under it.

36. Further regulations by royal warrant.

37. Commencement of act.

#### CAP. LVIII.

An Act for confirming a Scheme of the Charity Commissioners for the Management of the Charity of Sir Robert Hitcham, Knight, King's Serjeant, for the Benefit of Framlingham, Debenham, and Levington, in the County of Suffolk, and of Coggeshall, in the County of Essex.

[21st July, 1863.]

#### CAP. LIX.

An Act for confirming a Scheme of the Charity Commissioners for the Management of the Charities in the Borough of Ruthin, in the County of Denbigh, comprising the Hospital of Christ and its subsidiary Endowments, the Grammar School, Edward Lloyd's Foundation, and Bishop Goodman's Charity.

[21st July, 1863.]

#### CAP. LX.

An Act to confirm a certain Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to the Burgh of Leith.

[21st July, 1863.]

#### CAP. LXI.

An Act to prevent Waywardens contracting for Works within their own District.

[21st July, 1863.]

Sec. 1. *Penalty on waywardens being concerned in contracts within their own districts.*

2. *Highway boards not liable to pay for any work so contracted for.*

3. *This act to be as part of recited act.*

Whereas it is expedient that waywardens appointed under an act passed in the last session of Parliament [25 & 26 Vict. c. 61], intituled "An Act for the better Management of Highways in England," should be prevented from contracting for any works to be executed under the said act within their own districts: Be it enacted &c., as follows:—

Sec. 1. No such waywarden shall directly or indirectly, in his own name or in the name of any other person or persons, contract for the repair of any road, or for any other work to be executed under the provisions of the said recited act within the parish for which he is elected waywarden, or within any other parish in the same district, under the pain of forfeiting the sum of 10*l.*, with full costs of suit, to any person or persons who shall sue for the same by action for debt in any county court within the jurisdiction of which the parish in which the roads to be repaired, or the other work so contracted for, is situate.

2. It shall not be lawful for any highway board to pay knowingly for any repair or work so contracted for, and any money paid by any board under any such contract shall be recoverable by them with full costs from the person or persons to whom the same shall have been paid, by action of debt in any of her Majesty's courts of record at Westminster, if the same shall amount to above 50*l.*, or in any county court as aforesaid if below that amount, and the balance so recovered, after paying all expenses, shall be placed to the credit of the district fund.

3. This act shall be construed with, and held to be part of, the said recited act for the better management of highways in England.

#### CAP. LXII.

An Act to amend the Law relating to the Seizure of growing Crops in Ireland.

[21st July, 1863.]

Sec. 1. *To extend to Ireland only.*

2. *Growing crops not to be seized under civil bill, decrees, or justices' orders.*

Whereas it is expedient to amend the law relating to the seizure of growing crops in Ireland: be it therefore enacted &c., as follows:—

Sec. 1. This act shall extend to Ireland only.

2. It shall not be lawful to seize or take in execution under any civil bill, decree, or order of the Civil Bill Court, or under any decree, order, or warrant of a justice of the peace, any growing crops, trees, shrubs, plants, or vegetable matters which are not severed from the land and soil, save and except under any such decree, order, or warrant which shall have been pronounced or issued before the passing of this act.

#### CAP. LXIII.

An Act to confirm certain Provisional Orders under the Land Drainage Act, 1861.

[21st July, 1863.]

#### CAP. LXIV.

An Act to confirm certain Provisional Orders under the Local Government Act, 1858, relating to the Districts of Plymouth, Holywell, Llanelly, West Ham, Worthing, Aberavon, and Wallasey.

[21st July, 1863.]

#### CAP. LXV.

An Act to consolidate and amend the Acts relating to the Volunteer Force in Great Britain.

[21st July, 1863.]

Sec. 1. *Short title.*

2. *Power to the Crown to accept services through lieutenants of counties.*

3. *Power to the Crown to form a permanent staff.*

4. *Officers commissioned by lieutenant of county.*

5. *Rank of officers. As to command of volunteer officers over other forces. As to members of House of Commons accepting commissions.*

6. *Oath to be taken as in schedule.*

7. *Power for volunteer to quit his corps on conditions herein stated.*

8. *As to discharges of volunteer taking service in militia or army.*

9. *Power to the Crown to put volunteers under command of general or field officers.*

10. *Annual inspection.*

11. *Requisites of efficiency to be declared by Order in Council.*

12. *Power to the Crown to disband corps.*

13. *Power to the Crown to continue services of corps already formed.*

14. *Power to Crown to appoint a permanent staff on formation of administrative regiments.*

15. *Lieutenant of county may assemble a court of inquiry, to report to the lieutenant or the commanding officer.*
16. *Power to Secretary of State to make regulations for government of volunteer force.*
17. *In case of invasion, power to the Crown to call out volunteers for actual military service.*
18. *Allowances to volunteer corps so called out.*
19. *As to release of corps from actual military service.*
20. *Provision for officers and men disabled, and for widows and officers killed.*
21. *As to discipline of volunteers while not on actual military service.*
22. *As to discipline of permanent staff while not on actual military service.*
23. *As to discipline of volunteer force when on actual military service.*
24. *Power for corps to make rules, subject to the approval of the Crown.*
25. *Vesting of property of corps in commanding officer ex officio.*
26. *Appointment of storehouses for arms. As to exemptions in 23 & 24 Vict. c. 139.*
27. *Recovery of subscriptions and fines.*
28. *Wrongful sale, non-delivery, &c. of public or corps' property.*
29. *Wrongful buying of arms, &c. from volunteers.*
30. *As to wilful injury to butts or targets.*
31. *Power to corps to purchase land with consent of Secretary of State.*
32. *Stats. 8 & 9 Vict. c. 18, and 8 & 9 Vict. c. 19, relating to purchase of lands, incorporated with this part of act. Construction of terms, &c. of this part of act, with reference to incorporated provisions.*
33. *Power for landowner to give land to be used for purposes of this part of act.*
34. *Power to Commissioner of Works to grant right of shooting in royal parks, &c.*
35. *Power to certain authorities to grant licenses to use lands.*
36. *Power to corporations, justices, trustees, &c., to grant licenses to use land.*
37. *Power to justices to stop up or divert footpaths for purposes of this part of act. Proceedings to be taken as directed by stat. 5 & 6 Will. 4, c. 50.*
38. *Power to Secretary of State to make by-laws.*
39. *Proof of cesser of land being used for purposes of this part of act.*
40. *Exception of Isle of Man.*
41. *Service in militia.*
42. *Horse duty.*
43. *Penalty for giving false certificate.*
44. *Volunteers not to lose interest in friendly or benefit societies.*
45. *Tolls.*
46. *Lieutenant of county may require returns to be made to him.*
47. *Allowances in schedule to clerks of general meetings of Lieutenancy.*
48. *Pecuniary penalties to be recovered summarily: in England, under the 11 & 12 Vict. 43; in Scotland, under 8 & 9 Vict. c. 33; in the Isle of Man. Application of certain penalties.*
49. *Interpretation of terms. Application of provisions of this act to adjutants, sergeant instructors, and administrative regiments.*
50. *Application of this act to Isle of Wight, Cinque Ports, Isle of Man, and other places.*
51. *Repeal of enactments as in Schedule.*
52. *Not to apply to London Artillery Company.*
53. *Extent of act.*

Whereas it is expedient to consolidate and amend the acts relating to the volunteer force in Great Britain: be it therefore enacted &c., as follows:—

Sect. 1. This act may be cited as "The Volunteer Act, 1863."

#### PART I.—ORGANISATION OF VOLUNTEER FORCE.

##### Acceptance of Service.

2. It shall be lawful for her Majesty to accept the services

of any persons desiring to be formed under this act into a volunteer corps, and offering their services to her Majesty through the lieutenant of a county.

On such acceptance the proposed corps shall be deemed lawfully formed under this act as a corps of that county.

##### Permanent Staff.

3. Her Majesty may from time to time constitute for any volunteer corps a permanent staff, consisting of an adjutant commissioned by her Majesty, and of so many sergeant instructors as may seem fit, engaged and attested (according to regulations under this act) for a period not exceeding five years, or of such an adjutant, or of such sergeant instructors, alone.

For the purposes of this act, all such adjutants shall be deemed officers of the respective corps, and all such sergeant instructors shall be deemed to belong to the respective corps, on the permanent staff whereof they serve, and shall be deemed respectively officers and non-commissioned officers of the volunteer permanent staff; but nothing in this act shall be taken to exempt any officer or non-commissioned officer of the permanent staff of a volunteer corps from being subject to the orders of the officers of the corps, according to their rank and the laws and usages of her Majesty's forces.

If any non-commissioned officer of the volunteer permanent staff inrols himself as a volunteer or substitute in the militia, or is attested to serve on the permanent staff thereof, or enlists in her Majesty's army, he may be tried and punished as a deserter; or, if he confesses his desertion, one of her Majesty's Principal Secretaries of State, instead of causing him to be tried and punished as a deserter, may, if it seems fit, cause him, in any such case, to be returned to his service on the volunteer permanent staff, and to be there put under stoppages until he has repaid the amount of any bounty received by him, and the expenses attending his enrolment, attestation, or enlistment; or, in case of enlistment in her Majesty's army, may cause him to be held to his service in her Majesty's army, with a direction, if it seems fit, that his time of service therein shall not be reckoned for pension until the time when his engagement on the volunteer permanent staff would have expired.

Any non-commissioned officer of the volunteer permanent staff so inrolling himself, being attested, or enlisting, shall, nevertheless, be liable to deliver up in good order (fair wear and tear only excepted) all arms, clothing, and appointments issued to him as a non-commissioned officer of the volunteer permanent staff; and in case of his being either returned to his service on the volunteer permanent staff, or held to his service in her Majesty's army, one of her Majesty's Principal Secretaries of State may, if it seems fit, cause him to be put under stoppages until he has repaid the value of any such arms, clothing, or appointments not so delivered up.

##### Officers and Volunteers.

4. Every volunteer corps shall (except as to the officers of the permanent staff thereof) be officered by persons appointed with her Majesty's approval, and commissioned by the lieutenant of the county to which the corps belongs.

A commission issued in any case under this act by the lieutenant of a county shall not be deemed vacated by the revocation, expiration, or discontinuance of the commission by which such lieutenant was appointed.

5. Officers of the volunteer force shall rank with officers of her Majesty's regular and militia forces as the youngest of their respective ranks, and shall rank with officers of the yeomanry force according to the rank and date of their respective commissions in the respective forces.

Officers of the volunteer force, when not on actual military service, shall not be entitled to exercise any military command over any of her Majesty's other forces, and when on actual military service shall not be entitled to exercise any such command otherwise than as may be from time to time prescribed by the Mutiny Act or Articles of War.

The acceptance of a commission in the volunteer force by a member of the Commons House of Parliament shall not render his seat vacant.

6. Every officer shall, on receiving his commission, and every volunteer shall, on his enrolment in the muster roll of his corps, or in either case as soon afterwards as may be, take the oath set forth in the Schedule to this act, to be administered by the lieutenant of the county to which the corps belongs, or by a deputy lieutenant or justice of the peace for

the county, or by an officer of the corps who has taken such oath.

7. Any volunteer may, except when on actual military service, quit his corps on complying with the following conditions—namely,

- (1.) Giving to the commanding officer of his corps fourteen days' notice in writing of his intention to quit the corps;
- (2.) Delivering up in good order (fair wear and tear only excepted) all arms, clothing, and appointments, being public property or property of his corps, issued to him;
- (3.) Paying all money due or becoming due by him, under the rules of his corps, either before or at the time or by reason of his quitting it:

And thereupon he shall be struck out of the muster roll of the corps by the commanding officer.

If any volunteer gives such notice, and the commanding officer refuses to strike him out of the muster roll, and the volunteer considers himself aggrieved thereby, the volunteer may appeal to two justices of the peace for the county to which the corps belongs, usually acting within the petty sessional division in which the head quarters of the corps are situate, and not being members of the corps, who shall hear and determine the appeal, and may, for the purposes thereof, administer oaths and examine any person as a witness; and if it appears to such justices that the arms, clothing, and appointments issued to the volunteer, being public property or property of his corps, have been delivered up in good order (fair wear and tear only excepted), or that he has paid, or is ready to pay, sufficient compensation for any damage that such articles may have sustained; and that all money due, or becoming due, by him under the rules of his corps, either before or at the time or by reason of his quitting it, has been paid, such justices may order the commanding officer forthwith to strike such volunteer out of the muster roll of his corps, and their determination shall be binding on all persons.

8. If any volunteer inrols himself as a volunteer or substitute in the militia, or is attested to serve on the permanent staff thereof, or enlists in her Majesty's army, he shall be deemed discharged from the volunteer force, and the commanding officer of his corps shall strike him out of the muster roll thereof.

He shall, nevertheless, be liable to deliver up in good order (fair wear and tear only excepted) all arms, clothing, and appointments, being public property or property of his corps, issued to him, and to pay all money due or becoming due by him, under the rules of his corps, either before or at the time, or by reason of his discharge. If such arms, clothing, and appointments are not so delivered up by him, or such money is not paid by him, then, without prejudice to any proceeding or remedy against him under this act, he may, under an order of one of her Majesty's Principal Secretaries of State, if it seems fit, be put under stoppages out of any bounty or pay receivable by him, or both, until the value of such arms, clothing, or appointments, not so delivered up, or such money (as the case may be), is fully paid.

#### *General Command.*

9. Whenever any volunteers are on actual military service, or are undergoing inspection, or are voluntarily doing any military duty, her Majesty may put them and their officers under the command of such general or field officers of her Majesty's army, senior in rank to every officer of the volunteer force, to be so put under their command, as her Majesty may appoint or designate; but so, nevertheless, that the volunteers put under such command shall be led by their own officers under such command.

#### *Inspection.*

10. An annual inspection of every volunteer corps shall be held by a general or field officer of her Majesty's army.

#### *Efficiency.*

11. Her Majesty in Council may from time to time declare what is requisite to entitle a volunteer to be deemed an efficient volunteer, by an Order in Council defining for that purpose the extent of attendance at drill to be given by the volunteer, and the course of instruction to be gone through by him, and the degree of proficiency in drill and instruction

to be attained by him and his corps, such proficiency to be judged of by the inspecting officer at the annual inspection of the corps, or otherwise, as by Order in Council is from time to time directed.

The draft of any scheme to be from time to time submitted to her Majesty in Council for approval under the present section shall have been laid before both Houses of Parliament for one lunar month at least, either before or after, or partly before and partly after, the passing of this act, during the present or for the like period during any subsequent session of Parliament, before such scheme receives the approval of her Majesty in Council.

#### *Disbanding of Corps.*

12. Her Majesty may disband or discontinue the services of any volunteer corps, or any part thereof, whenever it seems to her Majesty expedient to do so.

#### *Existing Corps.*

13. It shall be lawful for her Majesty to continue the services of all volunteer corps whose services have been accepted before the passing of this act; and the services of every such corps shall be deemed to be continued by her Majesty, unless and until her Majesty thinks fit to exercise the power of disbanding or discontinuing the services of the corps.

The provisions of this act shall apply to every such corps, as if its services were accepted under this act, without prejudice to anything already done in relation to or by any such corps.

#### *Administrative Organisation.*

14. Where two or more separate volunteer corps are formed by the authority of one of her Majesty's Principal Secretaries of State into a united body for military or administrative purposes, hereinafter called an administrative regiment, her Majesty may from time to time constitute for such regiment a permanent staff, consisting of an adjutant commissioned by her Majesty, and of so many sergeant instructors as may seem fit, engaged and attested (according to regulations under this act) for a period not exceeding five years, or of such an adjutant, or of such sergeant instructors, alone.

For the purposes of this act all such adjutants shall be deemed officers of the respective administrative regiments, and all such sergeant instructors shall be deemed to belong to the respective administrative regiments, on the permanent staff whereof they serve, but not to be officers of or to belong to any of the separate corps formed into those regiments, and shall be deemed respectively officers and non-commissioned officers of the volunteer permanent staff; but nothing in this act shall be taken to exempt any officer or non-commissioned officer of the permanent staff of such a regiment from being subject to the orders of the officers of the regiment and of the separate corps formed into the same, according to their rank, the laws and usages of her Majesty's forces, and any regulations under this act.

Every such regiment shall (except as to the officers of the permanent staff thereof, and except as to the officers of the separate corps formed into such regiment) be officered by persons appointed with her Majesty's approval, and commissioned as officers of such regiment by the lieutenant of the county within whose jurisdiction the head-quarters of the regiment are situate.

Notwithstanding the formation of any such regiment, the separate corps formed into the same shall be severally deemed volunteer corps for all the purposes of this act.

#### *Courts of Inquiry.*

15. The lieutenant of the county to which a volunteer corps belongs, or within whose jurisdiction the head-quarters of an administrative regiment are situate, may at any time assemble a court of inquiry to inquire into any matter relative to the corps or regiment, or to any officer or volunteer or non-commissioned officer of the permanent staff belonging thereto, and to record the facts and circumstances ascertained on such inquiry, and, if required, to report on the same, for the information and assistance of such lieutenant; such Court, where the inquiry is with reference to an officer, to be composed of officers of the volunteer force belonging to the county, and in other cases to be composed either of officers and volunteers belonging to the corps or regiment, or of such officers, or of such volunteers.

The commanding officer of a volunteer corps or administrative regiment may at any time assemble a court of inquiry, composed either of officers and volunteers belonging to the corps or regiment, or of such officers, or of such volunteers, to inquire into any matter relative to the corps or regiment, or to any volunteer or non-commissioned officer of the permanent staff belonging thereto, and to record the facts and circumstances ascertained on such inquiry, and, if required, to report on the same, for the information and assistance of the commanding officer; but nothing herein shall authorise any inquiry with reference to an officer otherwise than by a court assembled by direction of such lieutenant of the county as aforesaid, and composed exclusively of officers of the volunteer force belonging to such county.

#### *Regulations.*

10. One of her Majesty's Principal Secretaries of State may from time to time make regulations respecting anything in this act directed or authorised to be done or provided by regulation, and also such regulations as may seem fit (not being inconsistent with any of the provisions of this act) respecting—

The appointment and promotion of officers; and

The assembling and proceedings of courts of inquiry to inquire into and report on any matter connected with the government or discipline of a volunteer corps or administrative regiment;

and for the full execution of this act, and the general government and discipline of the volunteer force, and may alter or repeal any such regulations; and may call for such returns as may from time to time seem requisite.

#### **PART II.—ACTUAL MILITARY SERVICE.**

17. In case of actual or apprehended invasion of any part of the United Kingdom (the occasion being first communicated to both Houses of Parliament, if Parliament is sitting, or declared in Council, and notified by proclamation, if Parliament is not sitting), her Majesty may direct the lieutenants of counties throughout Great Britain, or such of them as her Majesty may judge necessary, to call out the volunteer corps of their respective counties, or any of them, for actual military service.

Every officer and volunteer, and every non-commissioned officer of the permanent staff belonging to every corps so called out, shall be bound to assemble as the lieutenant of the county directs, and to march according to orders, within Great Britain; and, from the time of his corps being so called out, shall, for the purposes of this act, be deemed on actual military service. If any such officer, volunteer, or non-commissioned officer, not incapacitated by infirmity for military service, refuses or neglects to so assemble or march, he shall be deemed a deserter.

18. Whenever a volunteer corps is called out for actual military service, the following provisions shall take effect:—

- (1). There shall be issued, in manner provided by regulation, the sum of 2*l.* 2*s.* for the use of every officer and volunteer and non-commissioned officer of the permanent staff belonging to and assembling with the corps (except such of them as do not desire to receive the benefit thereof); and each such sum, or so much thereof as the commanding officer of the corps thinks fit, shall be laid out, under the direction of the commanding officer, in providing necessaries for each such officer, volunteer, and non-commissioned officer; and within one month after receipt thereof, an account shall be settled with each such officer, volunteer, and non-commissioned officer, respecting the application thereof, and any unapplied residue thereof shall be paid to him:
- (2). Such officers, volunteers, and non-commissioned officers shall be entitled to receive pay, and to be billeted and quartered as the officers, non-commissioned officers, and soldiers of her Majesty's army, and to have relief for their wives and families (being unable to support themselves) as the officers, non-commissioned officers, and men of the militia of England and Scotland respectively, according as the corps belongs to England or to Scotland:
- (3). On the release of the corps from actual military service there shall be paid, in manner provided by regulation, 1*l.* to every such officer, volunteer,

and non-commissioned officer present with the corps at the time of such release (except such of them as do not desire to receive the same), in addition to his pay.

19. After a volunteer corps has been called out for actual military service, the corps shall be deemed released from actual military service only by an order in writing, signed by the lieutenant of the county to which the corps belongs, and addressed and delivered to the commanding officer of the corps; which order the lieutenant of the county shall issue upon and as soon as may be after a proclamation of her Majesty declaring the occasion to have passed, and not sooner or otherwise.

Before a volunteer corps is released from actual military service, the corps shall be returned to the county to which it belongs.

20. An officer of the volunteer force disabled on actual military service shall be entitled to half-pay, according to his rank; and the widow of such an officer killed on actual military service shall be entitled to the like pension for life as the widow of an officer of her Majesty's army.

A volunteer or non-commissioned officer of the volunteer permanent staff, disabled on actual military service, shall, according to his rank, be entitled to the like pension and other benefits, if any, as a soldier of her Majesty's army.

#### **PART III.—DISCIPLINE.**

##### *Officers and Volunteers.*

21. With respect to the discipline of officers (other than officers of the volunteer permanent staff) and volunteers, the following provisions shall take effect and be in force while they are not on actual military service:—

- (1). The commanding officer of a volunteer corps may discharge from the corps any volunteer, and strike him out of the muster roll, either for disobedience of orders by him while doing any military duty with his corps—or for neglect of duty, or misconduct by him, as a member of the corps—or for other sufficient cause—the existence and sufficiency of such causes respectively to be judged of by the commanding officer. The volunteer so discharged shall, nevertheless, be liable to deliver up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property or property of his corps, issued to him, and to pay all money due or becoming due by him, under the rules of his corps, either before or at the time or by reason of his discharge. But nothing herein shall prevent her Majesty from signifying her pleasure in such manner, and giving such directions, with respect to any such case of discharge, as to her Majesty may appear just and proper:
- (2). If any such officer as aforesaid or any volunteer, while under arms or on march or duty with the corps or administrative regiment to which he belongs, or any portion thereof—or while engaged in any military exercise or drill with such corps or regiment, or any portion thereof—or while wearing the clothing or accoutrements of such corps or regiment, and going to or returning from any place of exercise or assembly of such corps or regiment—disobeys any lawful order of any officer under whose command he then is, or is guilty of misconduct—the officer then in command of the corps or regiment, or any superior officer under whose command the corps or regiment then is, may order the offender, if an officer, into arrest, and if not an officer, into the custody of any volunteer belonging to the corps or regiment or of any non-commissioned officer of the volunteer permanent staff—but so that the offender be not kept in such arrest or custody longer than during the time of the corps or regiment, or such portion thereof as aforesaid, then remaining under arms, or on march or duty, or assembled, or continuing engaged in any such military exercise or drill, as aforesaid.

##### *Permanent Staff.*

22. With respect to the discipline of officers and non-commissioned officers of the volunteer permanent staff, the following provisions shall take effect and be in force while they are not on actual military service:—

- (1.) All the provisions of the Mutiny Act (as far as they relate to Great Britain) shall extend to and apply to, and in the case of the officers and non-commissioned officers of the volunteer permanent staff, and those officers and non-commissioned officers shall be subject to, the Mutiny Act, and shall also be entitled to the benefits thereof, in all respects as the officers and soldiers of her Majesty's army for the time being are, and as if the volunteer permanent staff belonged to and formed part of her Majesty's army, subject only to the following variations and provisions:—

(i.) When the assembling of a court-martial for the trial of an officer or non-commissioned officer of the volunteer permanent staff becomes necessary, a general or district court-martial (as the case may require) shall be convened by one of her Majesty's Principal Secretaries of State, authorised by commission or warrant under the royal sign manual to convene courts-martial under the present section; and such Secretary of State shall in all cases and for all purposes be substituted for the convening officer under the Mutiny Act, and shall cause every such court-martial to assemble with all practicable speed after it is convened; and a court-martial shall not sit in any case for the trial of an officer or non-commissioned officer of the volunteer permanent staff without being so convened:

(ii.) Every such general court-martial shall consist of not less than nine members, and every such district court-martial shall consist of not less than five members; and every such court-martial shall (except as to the president thereof) be composed of such officers of the volunteer permanent staff as the Secretary of State directs; and the president shall be a field officer of the volunteer force, appointed by the Secretary of State:

(iii.) Sentences of district courts-martial under the present section shall not be put in execution until confirmed by one of her Majesty's Principal Secretaries of State, authorised in that behalf by warrant under the royal sign manual; and with respect to the execution of the sentence of any court-martial under the present section, one of her Majesty's Principal Secretaries of State shall in all cases have the like powers as her Majesty's Principal Secretary of State for the War Department, or the officer confirming the sentence of a court-martial, has in certain cases or events, with respect to the execution of the sentences of courts-martial under the Mutiny Act:

- (2.) Whenever a court-martial is ordered to assemble for the trial of a non-commissioned officer of the volunteer permanent staff, one of her Principal Secretaries of State may, if he thinks it expedient, issue his warrant under his hand for the apprehension of such non-commissioned officer, and also his warrant under his hand for the commitment of such non-commissioned officer for safe custody to a public prison, gaol, or house of correction near the place where the court-martial is to sit, which warrants respectively shall be in the forms set forth in the schedule to this act, with such variations as circumstances require:

- (3.) The keeper of such public prison, gaol, or house of correction, or his deputy, shall, on production of any such warrant of commitment, receive the non-commissioned officer of the volunteer permanent staff named therein into his custody, and shall keep him in safe custody in all respects as if he were committed by warrant of justices of the peace on a charge or suspicion of misdemeanor, or in Scotland of an offence, but without bail, until one of her Majesty's Principal Secretaries of State orders the dis-

charge of such non-commissioned officer, or until he is otherwise delivered from such custody by due course of law, or until he is delivered over to undergo any punishment imposed by sentence of a court-martial; and such keeper or deputy shall, in the meantime, from time to time as occasion requires, bring up such non-commissioned officer in custody before a court-martial sitting for his trial:

- (4.) If any keeper of a public prison, gaol, or house of correction, or his deputy, refuses or neglects to receive or keep any non-commissioned officer of the volunteer permanent staff in manner hereinbefore prescribed, such keeper or deputy shall for every such offence be liable to a penalty not exceeding 100*l.*; to be recovered in England by action in a superior court of law at Westminster; in Scotland, by proceedings in the Court of Session; and in the Isle of Man, by proceedings in any court of competent jurisdiction, and to be applied to the use of her Majesty.

#### *Actual Military Service.*

23. With respect to the discipline of officers of the volunteer force, and volunteers and non-commissioned officers of the volunteer permanent staff, the following provision shall take effect, and be in force, when they are on actual military service, namely:—All the provisions of the Mutiny Act (as far as they relate to Great Britain) shall extend to and apply to and in the case of all officers of the volunteer force and volunteers and non-commissioned officers of the volunteer permanent staff, and those officers, volunteers, and non-commissioned officers shall be subject to the Mutiny Act, and shall also be entitled to the benefits thereof, in all respects as the officers and soldiers of her Majesty's army for the time being are, and as if the volunteer force, including the volunteer permanent staff, belonged to and formed part of her Majesty's army, subject only to this variation—that a court-martial for the trial of an officer of the volunteer force, or volunteer or non-commissioned officer of the volunteer permanent staff, shall be composed of officers of the volunteer force only.

#### PART IV.—RULES AND PROPERTY OF CORPS.

24. The officers and volunteers belonging to a volunteer corps may from time to time make rules for the management of the property, finances, and civil affairs of the corps, and may alter or repeal any such rules; but any such rules shall not have effect unless and until the commanding officer of the corps thinks fit to transmit the same to the lieutenant of the county to which the corps belongs, and such lieutenant thinks fit to submit the same for her Majesty's approval, and such approval, signified through one of her Majesty's Principal Secretaries of State, is notified by such lieutenant to the commanding officer of the corps, to be by him forthwith communicated to the corps; whereupon the rules so approved shall be binding on all persons.

A copy of the rules in print or writing, or partly in print and partly in writing, certified under the hand of the commanding officer as a true copy of the rules whereof her Majesty's approval has been notified as aforesaid, shall be conclusive evidence of the rules of the corps.

25. All money subscribed by, or to or for the use of, a volunteer corps or administrative regiment, and all effects belonging to any such corps or regiment, or lawfully used by it, not being the property of any individual officer or volunteer, or non-commissioned officer of the volunteer permanent staff belonging to the corps or regiment, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions, and other money due to the corps or regiment, and all lands acquired by the corps or regiment, shall vest in the commanding officer of the corps or regiment for the time being, and his successors in office, with power for him and his successors to sue, to make contracts and conveyances, and to do all other lawful things relating thereto; and any civil or criminal proceeding taken by virtue of the present section by the commanding officer of a corps or regiment, shall not be discontinued or abated by his death, resignation, or removal from office, but may be carried on by and in the name of his successor in office.

26. The commanding officer of a volunteer corps or administrative regiment, receiving any arms, ammunition, or other stores, supplied at the public expense or by subscription,

shall, subject to the approval of the lieutenant of the county to which the corps belongs, or in which the head-quarters of the administrative regiment are situate (as the case may be), appoint a proper storehouse for the depositing and safe keeping of such arms, ammunition, or stores. Every such storehouse shall be free from all county, parochial, or other local rates and assessments. All exemptions contained in the Gunpowder Act, 1860, or any act amending the same, relative to storehouses, magazines, or places belonging to or held for the service of the Crown, shall extend to any storehouse appointed under the present section with the approval of the lieutenant of a county, if also approved of by one of her Majesty's Principal Secretaries of State, as a fit place for the storing of ammunition, but not otherwise.

27. If any person belonging or having belonged to a volunteer corps or administrative regiment neglects or refuses to pay any money subscribed or undertaken to be paid by him towards any of the funds or expenses of such corps or regiment, or due under the rules of such corps, and actually payable by him, or to pay any fine incurred by him under the rules of such corps—such money or fine shall (without prejudice to any other remedy) be recoverable from him, with costs, at any time within twelve months after the same becomes due and payable, as a penalty under this act is recoverable, and when recovered shall be applied as part of the general fund of the corps or regiment.

28. If any person designedly makes away with, sells, pawns, wrongfully destroys, wrongfully damages, or negligently loses, anything issued to him as a volunteer, or wrongfully refuses, or wrongfully neglects, to deliver up, on demand, anything issued to him as a volunteer,—the value thereof shall be recoverable from him, with costs, as a penalty under this act is recoverable; and he shall also for every such offence of designedly making away with, selling, pawning, or wrongfully destroying as aforesaid, be liable, on the prosecution of the commanding officer of the corps or administrative regiment issuing the thing made away with, sold, pawned, or destroyed, to a penalty not exceeding 5*l*.

29. If any person knowingly buys or takes in exchange from any volunteer or any person acting on his behalf—or solicits or entices any volunteer to sell, or knowingly assists or acts for any volunteer in selling, or has in his possession or keeping, without satisfactorily accounting for,—any arms, clothing, or appointments, being public property, or property of any volunteer corps or administrative regiment, or any public stores or ammunition issued for the use of any such corps or regiment,—he shall, on the first commission by him of any such offence, be liable to a penalty not exceeding 20*l*., and shall, on a second and every other subsequent commission by him of any such offence, and on being convicted thereof in the like course of proceeding as that in which any such penalty is recoverable, be liable to a penalty not exceeding 20*l*., or less than 5*l*., with or without imprisonment, for any term not exceeding six months, with or without hard labour.

The justices, before whom any person is convicted of any offence under the present section, shall transmit the conviction to the next court of general or quarter sessions held for the county or place where the conviction is had, there to be kept by the proper officer among the records of the court; and on the prosecution of any person for any subsequent offence under the present section, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

30. If any person wilfully commits any damage to any butt or target belonging to, or lawfully used, by any volunteer corps or administrative regiment, or, without the leave of the commanding officer of the corps or regiment, searches for bullets in, or otherwise disturbs the soil forming such butt or target, he shall for every such offence be liable, on the prosecution of the commanding officer, to a penalty not exceeding 5*l*.

#### PART V.—ACQUISITION OF LAND FOR RANGES.

31. Subject to the provisions of this part of this act, any volunteer corps may, with the assent of one of her Majesty's Principal Secretaries of State, purchase, take on lease, or otherwise acquire, any land, or easement in land, for rifle or

artillery practice, and for the erection of butts, targets, batteries, and other accommodations for the use of the corps when practising with rifles or artillery.

Before giving his assent, the Secretary of State shall send an inspector to the land for the purpose of ascertaining its capabilities for being converted into a rifle or artillery practice ground with due regard to the safety and convenience of the public, and shall give or withhold his assent accordingly.

32. So much of the Lands Clauses Consolidation Act, 1845, and of the Lands Clauses Consolidation (Scotland) Act, 1845, and of any act amending the said acts, as relates to the purchase of land by agreement, shall be incorporated with this part of this act.

In the construction of this part of this act with the said incorporated provisions, this part of this act shall be deemed the special act; and the volunteer corps, desirous of purchasing land, shall be deemed the promoters of the undertaking; and under the term land, a permanent right of shooting and drilling, or any other interest or easement in land, shall be included, and may be alone conveyed, while the fee simple or other interest in such land is reserved.

33. Any person seized or entitled in fee tail or for life of or to any manor or lands of freehold, copyhold, or customary tenure, and having the beneficial interest therein, or in Scotland, being the proprietor under entail, and in possession for the time being, may, by way of gift, grant, convey, or enfranchise in fee simple, or for a term of years, any quantity not exceeding four acres of such land, or any limited right over land to any extent not exceeding twenty acres, to any volunteer corps, to be used by the corps for the purposes of this part of this act; but so that any such grant, conveyance, or enfranchisement made by any person seized or entitled for life only of or to any such manor or lands, shall not be valid beyond his own life, unless the person next entitled in remainder, in fee simple, or fee tail (if legally competent) is a party to, and joins in such grant, conveyance, or enfranchisement:

Provided, that in the event of any land granted, conveyed, or enfranchised as aforesaid, ceasing to be used for the purposes of this part of this act, the same shall thereupon immediately revert to and become a portion of the estate of which it formed part before the grant, conveyance, or enfranchisement was made.

34. The Chief Commissioner of her Majesty's Works and Public Buildings may grant to any volunteer corps the right to use, for the purpose of rifle practice or drill, any portion of such royal parks, gardens, and possessions as are under his management, upon such terms, for such time, not exceeding twenty-one years, and subject to such other conditions, as he thinks fit; but any such grant shall be at all times revocable by her Majesty.

35. A license to use, for the purposes of this part of this act, any portion not exceeding four acres of the lands hereinafter mentioned, may be granted to any volunteer corps as follows:—

(1). In the case of lands belonging to the Crown—

By the Commissioners of her Majesty's Woods, Forests, and Land Revenues, or either of them, on behalf of her Majesty, with the consent of the Commissioners of her Majesty's Treasury:

(2). In the case of lands forming part of the possessions of the Duchy of Lancaster—

By the Chancellor and Council of the Duchy by deed under the hand and seal of the Chancellor, attested by the clerk of the Council:

(3). In the case of lands forming part of the possessions of the Duchy of Cornwall—

By the Duke of Cornwall or other the persons for the time being, having power to dispose of lands belonging to the Duchy:

Provided—

First, that no such license shall be granted for a longer term than twenty-one years; but any license, when granted, may be renewed by the same authority that would have power to grant the same:

Secondly, that in the event of any land to which any such license relates ceasing to be used for the purposes of this part of this act, that license shall thereupon cease absolutely.



86. Any corporation, ecclesiastical or lay, sole or aggregate, any officer, justices of the peace, trustees, or commissioners holding land for public, ecclesiastical, or parochial purposes, may grant, and from time to time renew, any license for the use, during any term not exceeding twenty-one years, by any volunteer corps, for the purposes of this part of this act, of any land not exceeding four acres vested in such corporation, officers, justices, trustees, or commissioners, subject to the following provisions:—

- (1). That an ecclesiastical corporation sole below the dignity of a bishop shall not make such a grant without the consent, in writing, of the bishop to whose jurisdiction he is subject, and of the patron of the preferment to which the land belongs, or the guardians or trustees of such patron:
- (2). That such a license shall not be granted in respect of parochial property without the consent of the majority of the ratepayers and owners of property in the parish to which the same belongs, assembled at a meeting convened according to the mode pointed out by the act of the session of the 5 & 6 Will. 4, c. 69, "to facilitate the conveyance of work-houses and other property of parishes, and of incorporations or unions of parishes, in England and Wales," and of the Poor Law Commissioners, testified by their seal being affixed to the deed of grant, and of the guardians of the poor of the union within which the parish is comprised, or of the guardians of the poor of the parish where the administration of the relief of the poor therein is subject to a board of guardians, testified by such guardians being the parties to make the grant:
- (3). That where any officers, trustees, or commissioners, other than parochial trustees, make any such grant, it shall be sufficient if a majority or quorum authorised to act of such officers, trustees, or commissioners assembled at a meeting duly convened, assent to such grant, and execute the deed of grant, although they do not constitute a majority of the actual body of such officers, trustees, or commissioners:
- (4). That the justices of the peace may give their consent to the making of any such grant in respect of land belonging to any county, riding, or division, by vote at their general quarter sessions, and may direct the same to be made in the manner directed to be pursued on the sale of the sites of gaols by the act of the 7 Geo. 4, c. 18, "to authorise the disposal of unnecessary prisons in England:"
- (5). That in the event of any land to which any such license relates ceasing to be used for the purposes of this part of this act, that license shall thereupon cease absolutely.

37. Where a footpath crosses or runs inconveniently or dangerously near to any land purchased or acquired, or in respect of which any license is granted, for the purposes of this part of this act, such footpath may, with the consent of the vestry of the parish in which the same is situate, and upon the certificate of two justices that the footpath to be substituted is convenient for the public, be stopped up or diverted. All proceedings to obtain such certificate, and to stop up or divert such footpath, shall be taken in the manner in which proceedings are directed to be taken by the act of the session of the 5 & 6 Will. 4, c. 50, "to consolidate and amend the laws relating to highways in that part of Great Britain called England," in cases where a person other than the inhabitants in vestry, is desirous of stopping up, diverting, or turning a highway, or as near thereto as circumstances admit; with this exception, that the certificate of the justices shall be conclusive in cases where it states the fact of their having viewed the footpath to be stopped up or diverted, and that the proposed new footpath is convenient for the public.

38. One of her Majesty's Principal Secretaries of State, with a view to the safety and convenience of the public, may make by-laws for the regulation of shooting on grounds purchased, acquired, or used by any volunteer corps under this part of this act, and for the prevention of intrusion thereon during the times of shooting. Any such by-laws may impose a reasonable pecuniary penalty, not exceeding 5*l.*, for any breach of a by-law, so that the by-law be so framed as to

admit a part only of the maximum penalty being ordered to be paid; such penalties to be recoverable and applicable as penalties imposed by this act are recoverable and applicable.

39. Any land purchased or acquired, or in respect of which any license is granted under this part of this act, shall be deemed to have ceased to be used for the purposes of this part of this act where there has not been any such use by the corps by which the land was purchased or acquired, or to or for which the license was granted, for a period of one year, and a certificate of the fact of such non-user is given by one of her Majesty's Principal Secretaries of State; and such certificate shall be conclusive evidence of such fact as against all persons and in all courts of justice.

40. This part of this act shall not extend to the Isle of Man, except that the power of granting licenses, given in this part of this act to the Commissioners of her Majesty's Woods, Forests, and Land Revenues, shall extend to any allotment that may be made to, and any land that may be purchased on behalf of, her Majesty, under the provisions of an act of Tynwald, intitled "The Isle of Man disafforesting Act, 1860."

#### PART VI.—EXEMPTIONS.

41. Every officer of the volunteer force, and every efficient volunteer, and every non-commissioned officer of the volunteer permanent staff, shall be exempt from liability to serve personally or to provide a substitute in the militia of England or of Scotland.

In the case of a volunteer, such exemption shall cease on his ceasing to be enrolled in the corps in connexion with which he becomes entitled to be deemed efficient, unless he quits such corps on account of his changing his place of residence, in which case the exemption shall revive if within ten days after quitting such corps he is enrolled in another volunteer corps.

The certificate of the commanding officer of a volunteer corps (in the form set forth in the Schedule to this act, with such variations as circumstances may require) certifying that the person named therein is a volunteer enrolled in that corps, and is exempt as aforesaid, shall be conclusive evidence thereof.

42. Horse duty shall not be payable for any horse used six days or upwards within the period of twelve months, ending on the 5th April preceding the year of assessment, as follows—namely,

- (1). Used on duty by any officer of the volunteer force or volunteer or non-commissioned officer of the volunteer permanent staff required to use a horse on duty:
- (2). Used for conveying any gun, or any waggon or other military carriage, in the service of the volunteer force:

such horse, in every such case, being either the property of such officer, volunteer, or non-commissioned officer, or of a volunteer corps or administrative regiment, or gratuitously furnished for such use.

A certificate, signed by the commanding officer of a volunteer corps or administrative regiment, certifying that the horse therein specified has been used as aforesaid for the said number of days, shall be evidence thereof.

43. If any commanding officer of a volunteer corps or administrative regiment knowingly gives any false certificate under this act, he shall for every such offence be liable to a penalty not exceeding 20*l.*, to be recovered in England by action in a superior court of law at Westminster, in Scotland by proceedings in the court of session, and in the Isle of Man by proceedings in any court of competent jurisdiction, and to be applied to the use of her Majesty.

44. Notwithstanding anything in the rules of any friendly or benefit society, any person shall not lose any interest in the society by reason of his enrolment or service in the volunteer corps, or his engagement or service on the volunteer permanent staff; and any dispute arising between such society and person by reason of such enrolment, engagement, or service shall be deemed a dispute directed by the rules of the society to be decided by justices of the peace, according to the acts for the time being in force relative to friendly or benefit societies.

45. Any duty or toll leviable, under any act of Parliament passed or to be passed, at any pier, wharf, quay, landing

place, or bridge, or at any turnpike gate or bar, or at any other gate or bar on a public road, shall not be demanded or taken for—

- (1). Any officer of the volunteer force, or any volunteer, or any non-commissioned officer of the volunteer permanent staff, being on march or duty, or going to or returning from the place appointed for, and on the day for, exercise, inspection, review, or other public duty, and being in uniform:
- (2). Any horse ridden or used by any officer, volunteer, or non-commissioned officer as aforesaid, being on march or duty, or going or returning as aforesaid, and being in uniform:
- (3). Any cart, waggon, or carriage, public or private, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any officer, volunteer, or non-commissioned officer as aforesaid, being on march or duty, or going or returning as aforesaid, and being in uniform, with or without any conductor or driver of such cart, waggon, or carriage, or domestic servant of such officer or volunteer:
- (4). Any cart, waggon, or carriage, public or private, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any arms or baggage of any officer, volunteer, or non-commissioned officer as aforesaid, being on march or duty, or going to or returning from the place appointed for exercise, inspection, review, or other public duty, or any military stores belonging to or for the use of, or any gun belonging to or used by, the volunteer force:
- (5). Any horse or other beast drawing any such cart, waggon, or carriage as aforesaid.

If any person demands or takes any duty or toll in contravention of the present section, or if any person makes any false representation respecting himself or any other person, or any animal or thing, with intent to obtain for himself or otherwise, or fraudulently obtains for himself or otherwise, any exemption under the present section, he shall for every such offence be liable to a penalty not exceeding 5*l*.

#### PART VII.—MISCELLANEOUS PROVISIONS.

46. The lieutenant of the county to which a volunteer corps belongs, or within whose jurisdiction the head quarters of an administrative regiment are situate, may require the commanding officer of that corps or regiment to make to him from time to time such returns of the strength and efficiency of the corps or regiment as may seem requisite.

47. The several clerks of general meetings of lieutenancy in Great Britain shall be entitled to receive the sums specified in the Schedule to this act for their pains and trouble in and about the execution of the provisions of this act. The said clerks shall send to the Secretary of State such accounts, returns, and statements as he from time to time requires.

48. Any pecuniary penalty under this act, the mode of recovery of which is not otherwise expressly provided for by this act, and any money or fine by this act made recoverable as a penalty under this act is recoverable, may be recovered as follows:—

In England, in a summary way before two or more justices of the peace having jurisdiction where the offence is committed, or where the offender happens to be, in manner directed by the act of the session of the 11 & 12 Vict. c. 43, "to facilitate the performance of the duties of justices of the peace out of sessions, within England and Wales, with respect to summary convictions and orders;" or in case of proceedings in the city of London, or in the metropolitan police district, in manner directed by the respective enactments for the time being in force relative to summary proceedings there:

In Scotland, in manner directed by the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to penalties imposed by that act, the recovery of which is not otherwise provided for:

In the Isle of Man, by proceedings in any court of competent jurisdiction, and in the manner in which penalties of like amount are recoverable by the laws of the Isle of Man, or as near thereto as circumstances admit.

In England, where the sum adjudged to be paid on a summary conviction or adjudication, inclusive of any costs, exceeds 5*l*., or the imprisonment awarded exceeds one month, and the person who is convicted, or against whom the adjudication is made, thinks himself aggrieved by the conviction or adjudication, the following provisions shall take effect:—

- (1). Such person may appeal to the next court of general or quarter sessions held not less than twelve days after the day of such conviction or adjudication for the county or place where the conviction or adjudication is had:
- (2). The appellant shall, within three days after the day of the conviction, and seven clear days at least before the sessions to which the appeal is to be made, give to the complainant a notice in writing of the appeal, and of the ground thereof:
- (3). The appellant may enter into a recognisance, with two sufficient sureties, before a justice of the peace, conditioned to appear personally at the sessions and try the appeal, and abide the judgment of the court thereon, and pay any costs awarded by the court; or where the appeal is against a conviction imposing only a pecuniary penalty, or against an adjudication for the payment of money, the appellant may deposit with the clerk of the convicting justices such sum of money as those justices deem sufficient to cover the amount of the penalty, or money adjudged to be paid, together with the costs of the conviction or adjudication, and of the appeal:
- (4). On such notice being given, and such recognisance being entered into, or such deposit being made, the appellant shall be liberated, if in custody:
- (5). The court of general or quarter sessions shall hear and determine the appeal, and shall make such order therein, with or without costs to either party, as to the court seems fit; and, in case of affirmance of the conviction or dismissal of the appeal, shall adjudge the appellant to be punished according to the conviction, or to pay the money according to the adjudication, and to pay such costs as are awarded, and shall, if necessary, issue process for enforcing such judgment:
- (6). Where any such deposit as aforesaid is made, and the conviction or adjudication is affirmed, or the appeal is dismissed, the court may order the amount of the penalty or other money adjudged to be paid, together with the costs of the conviction or adjudication and of the appeal, to be paid out of the deposit, and the residue thereof, if any, to be returned to the appellant, and in any other case shall order the deposit to be returned to the appellant:
- (7). Where on appeal a conviction is quashed, the proper officers shall forthwith indorse on the conviction a memorandum that it has been so quashed; and whenever any copy or certificate of such conviction is made, a copy of the memorandum shall be added thereto, which shall be sufficient evidence of the conviction having been quashed in all cases where a copy or certificate would be sufficient evidence of the conviction.

But nothing in the present section respecting appeals shall affect any enactments relative to appeals in cases of summary convictions or adjudications in the city of London or the metropolitan police district.

In Scotland and the Isle of Man, in like cases as in England, an appeal shall lie, in manner in that behalf provided by the law of Scotland and of the Isle of Man respectively.

A summary conviction or adjudication under this act in England, or an adjudication made on appeal therefrom, shall not be quashed for want of form, or be removed by certiorari; and a warrant of commitment on any such conviction shall not be held void by reason of any defect therein, if it is therein alleged that the person therein named has been convicted, and there is a good conviction to sustain the same.

Any pecuniary penalty recovered summarily under this act on the prosecution of the commanding officer of a volunteer corps or administrative regiment shall (notwithstanding anything in any act relating to municipal corporations, or to the metropolitan police, or in any other act contained) be paid to the commanding officer, and be applied as part of the general fund of the corps or regiment.

## 49. In this act—

The term "Lieutenant" of a county includes vice-lieutenant, and, as to the city of London, the commissioners of Lieutenancy for the same:

The term "volunteer" means a non-commissioned officer or private belonging to a volunteer corps, exclusive of the permanent staff thereof:

The term "person" includes (where the case requires) a body of persons, corporate or unincorporate:

The term "Mutiny Act," means the act for punishing mutiny and desertion, and for the better payment of the army and their quarters, for the time being in force, and includes the articles of war made under the authority of that act for the time being in force.

The term "appointments," includes accoutrements and equipments of every kind other than clothing.

If at any time her Majesty thinks fit to appoint on the permanent staff of a volunteer corps or administrative regiment a quartermaster and a paymaster, or either of such officers, commissioned by her Majesty—or if at any time any non-commissioned officer or man engaged and attested (according to regulations under this act) for a period not exceeding five years, is appointed on the permanent staff of a volunteer corps or administrative regiment, to serve in any other capacity than that of sergeant instructor—then and in such cases all the provisions of this act relating to adjutants and sergeant instructors, and to officers and non-commissioned officers of the volunteer permanent staff, shall apply to such quartermasters and paymasters, and to such other non-commissioned officers and such men, respectively.

All the provisions of this act relating to an administrative regiment, shall apply to any united body formed of two or more separate volunteer corps for military or administrative purposes by the authority of one of her Majesty's Principal Secretaries of State, whether the corps so united are formed into a regiment, or a brigade, or a battalion, or any other body.

50. For the purposes of this act the Isle of Wight shall be deemed to be a county of itself, and the governor thereof, or the person for the time being performing the duties of governor, shall be deemed to be the Lieutenant of such county: the Cinque Ports, two ancient towns, and their members, shall be deemed to be a county of themselves, and the warden thereof, or in his absence his lieutenant or lieutenants, shall be deemed to be the Lieutenant of such county; every riding, stewardry, city, or place for which her Majesty constitutes a lieutenant, shall be deemed to be a county of itself, and the lieutenant appointed for the same shall be deemed to be the Lieutenant of such county, and the Isle of Man shall be deemed to be a county of England, and the Lieutenant governor thereof, or the person for the time being performing the duties of lieutenant governor, shall be deemed to be the lieutenant of such county.

51. The enactments described in the Schedule to this act shall be repealed to the extent therein specified; but this repeal shall not affect the past operation of any such enactment, or anything already done, or any right, title, obligation, or liability already accrued thereunder, or any remedy or proceeding affecting the same.

52. Nothing in this act shall apply to the Honourable Artillery Company of London.

53. This act shall not extend to Ireland.

## SCHEDULE.

## (i). Oath of Officer and Volunteer.

I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to her Majesty Queen Victoria, and that I will faithfully serve her Majesty in Great Britain for the defence of the same against all her enemies and opposers whatsoever, according to the conditions of my service.

[The name of the successor of her Majesty Queen Victoria for the time being, with proper words of reference *thereto*, to be substituted as occasion requires.]

## (ii). Warrant of Secretary of State for Apprehension of Non-commissioned Officer of Volunteer Permanent Staff ordered to be tried by Court-martial.

County } Victoria, &c.  
of —. } To our sheriff of our county of —, to the high constable of the hundred of —, in the same county,

the constable of the town of —, in the same county, to our bailiffs and ministers, and to the constables and peace officers, in the same county, as well within liberties as without, greeting:

Whereas, the Right Honourable A. B., one of our Principal Secretaries of State, has, in pursuance of the Volunteer Act, 1863, ordered a court-martial to assemble for the trial of L. M., being a non-commissioned officer of the volunteer permanent staff: We, therefore, command you, jointly and severally, forthwith to apprehend the said L. M., and bring him in custody to our [gaol] at —, in our county of —, and there deliver him into the custody of the keeper of our said [gaol], or of his deputy.

Witness, the Right Honourable, A. B., one of our Principal Secretaries of State, at —, the — day of —, 18—.

## (iii). Warrant of Secretary of State for Commitment in same Case.

County } Victoria, &c.  
of —. } To the keeper of our [gaol] at —, in our county of —, or to his deputy, greeting:

Whereas, the Right Honourable A. B., one of our Principal Secretaries of State, has, in pursuance of the Volunteer Act, 1863, ordered a court-martial to assemble for the trial of L. M., being a non-commissioned officer of the volunteer permanent staff: We, therefore, command you, and each of you, that you, or one of you, do receive him, the said L. M., into your custody in our [gaol], and him there safely keep in such manner as if he had been committed to your custody there by warrant of some of the justices assigned to keep our peace in our said county, on a charge or suspicion of misdemeanour [or, in Scotland of an offence], but without bail, until he be delivered from your custody there in pursuance of the said act.

Witness, the Right Honourable A. B., one of our Principal Secretaries of State, at —, the — day of —, 18—.

## (iv). Certificate for Exemption from Militia.

I, A. B., commanding officer of the — volunteer corps, hereby certify that C. D. is a volunteer enrolled in that corps, and is by virtue of the Volunteer Act, 1863, exempt from liability to serve personally, or to provide a substitute in the militia of [England].

Given under my hand at —, this — day of —, one thousand eight hundred and [sixty-four].

A. B., Lieutenant-Colonel Commanding.

## (v). Allowances to Clerks of General Meetings of Lieutenancy.

	£	s.	d.
For trouble in executing the duty required of them, including copyings, correspondence, and stationery:			
In counties where the force does not exceed 900	7	10	0
In counties where the force is above 900, and not exceeding 400	10	0	0
In counties where the force is above 400, and not exceeding 500	12	10	0
In counties where the force exceeds 500, the following additions for every 100, or fractional part of 100:			
Above 500 and not exceeding 1000	2	0	0
" 1000 "	3	10	0
" 2000 "	3	0	0
" 3000 "	0	15	0
" 4000 "	0	10	0
For convening and attending any general meeting summoned by the district order of the Secretary of State	1	1	0
For printing, advertising, and posting, the actual expense.			

## (vi). Enactments repealed.

44 Geo. 3, c. 54.—An act to consolidate and amend the provisions of the several acts relating to corps of yeomanry and volunteers in Great Britain; and to make further regulations relating thereto.—So far as the act relates to volunteers in Great Britain.

44 Geo. 3, c. 94.—An act to explain an act of the present session of Parliament, for consolidating and amending the provisions of the several acts relating to corps of yeomanry and volunteers in Great Britain, so far as respects the accounting for monies received by volunteer officers.—*So far as the act relates to volunteers in Great Britain.*

46 Geo. 3, c. 125.—An act for regulating the rank of officers in yeomanry and volunteer corps.—*So far as the act relates to volunteers in Great Britain.*

46 Geo. 3, c. 140.—An act to amend two acts passed in the forty-second year of his present Majesty, relating to the militia of England and Scotland respectively, as to the pay of the officers and men of the said militia.—*So far as the act relates to volunteers in Great Britain.*

50 Geo. 3, c. 25.—An act to amend several acts relating to the local militia of Great Britain.—*Sect. 3.*

53 Geo. 3, c. 81.—An act to amend several acts relating to the militia, and to enlisting of the militia into his Majesty's regular forces.—*Sect. 4.*

56 Geo. 3, c. 39.—An act to reduce the number of days of muster or exercise of yeomanry and volunteer cavalry.—*So far as the act relates to volunteers in Great Britain.*

57 Geo. 3, c. 44.—An act to allow corps of yeomanry or volunteer cavalry, when assembled for the suppression of riots or tumults, to be quartered and billeted, and officers on half-pay to hold certain commissions in such corps, and to exempt members in such corps from serving the office of constable.—*So much as the act relates to volunteers in Great Britain.*

7 Geo. 4, c. 58.—An act to amend the laws relating to corps of yeomanry cavalry and volunteers in Great Britain.—*So far as the act relates to volunteers in Great Britain, including the provisions thereof relative to the remuneration of the clerks of meetings therein mentioned, so far as that remuneration has reference to the execution of the provisions of any act relating to volunteers in Great Britain.*

23 & 24 Vict. c. 13.—An act to prevent the members of benefit societies from forfeiting their interest therein by being inrolled in yeomanry or volunteer corps.—*So far as the act relates to volunteers in Great Britain.*

23 & 24 Vict. c. 140.—The rifle volunteer grounds act, 1860.—*The whole.*

24 & 25 Vict. c. 126.—An act to exempt the volunteer forces of Great Britain from the payment of tolls.—*The whole.*

25 & 26 Vict. c. 41.—An act for amending the rifle volunteer grounds act, 1860.—*The whole.*

#### CAP. LXVI.

An Act to amend the Law relating to Prisons in Ireland.  
[21st July, 1863.]

- Sect. 1. Commencement of act.
2. This and recited act to be as one.
3. So much of the said recited act (sect. 19) as provides that two-thirds of the members of any board of superintendence shall be present at any meeting of such board duly summoned and held to confirm probationary appointments made by a former board shall be repealed, and the presence of six members only shall be sufficient for that purpose, the majority of whom shall be required to concur in the ratification or confirmation of such probationary appointments.

#### CAP. LXVII.

An Act to enable Provision to be made out of the Funds of Greenwich Hospital for the Widows of Seamen and Marines slain, killed, or drowned in the Sea Service of the Crown.  
[21st July, 1863.]

- Sect. 1. Appropriation out of the revenues of the hospital for provision for widows.
2. Widows fund to be created by accumulation of unexpended balances.
3. Admiralty to make rules to be approved by Order in Council.
4. Short title.

#### CAP. LXVIII.

An Act to extend the Powers of the Act relating to the Main Drainage of the Metropolis.  
[21st July, 1863.]

- Sect. 1. Short title.
2. Power to board to borrow 1,200,000*l*.
3. Power to Treasury to guarantee money borrowed.
4. Construction of this act and the Main Drainage Act, 1858.
5. Application of monies borrowed under this act.
6. Extension of time for completion of works to end of 1866.

#### CAP. LXIX.

An Act to establish Officers of the Royal Naval Reserve.  
[21st July, 1863.]

- Sect. 1. Power to her Majesty to accept services of masters, &c. of merchant service.
2. Power to Admiralty to inrol officers of reserve to the royal navy.
3. As to pay, allowances, and pensions of officers of reserve and pensions of widows of such officers.
4. As to continuance of officers already inrolled.
5. Provision as to existing and future regulations.
6. On passing of this act, the 24 & 25 Vict. c. 129, repealed.
7. Short title.

#### CAP. LXX.

An Act to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorise, for that Purpose, the Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of the Local Government Act, 1858, in certain Cases.  
[21st July, 1863.]

- Sect. 1. Charge on Consolidated Fund of 1,200,000*l*., to be at disposal of Public Works Loan Commissioners. Stats. 24 & 25 Vict. c. 80; 16 & 17 Vict. c. 40.
2. Incorporation of provisions of Public Works Loan Act.
3. Power for Public Works Loan Commissioners to lend, and for local boards and authorities to borrow, for the purposes and on the terms specified.
4. Application of money borrowed.
5. Postponement or withholding of instalments of loan when works not proceeded with satisfactorily.
6. Appointment of inspecting engineer.
7. Abridgment of time requisite for adoption of Local Government Act.
8. Mode of proceeding on acquisition of powers under Local Government Act.
9. Power to abandon the Local Government Act.
10. Mode of proceeding in respect of the paving &c. of private streets.
11. Objections, &c.
12. Additional powers for local boards or local authorities to execute works of improvement.
13. Power for execution of private improvements by agreement with owners of property.
14. Power for guardians, where there is no local board or local authority, to borrow for useful works.
15. Manner in which parishes are to contribute towards the repayment of loans to guardians.
16. Incorporation of Lands Clauses Act, except as to compulsory powers.
17. Incorporation of clauses of stat. 10 & 11 Vict. c. 16, with respect to mortgages.
18. Validity of mortgages notwithstanding irregularities of proceedings.
19. Validity of security on rates notwithstanding defect in compliance with conditions of act.
20. Limitation of time for obtaining loans.
21. Extent of act same as that of Union Relief Aid Acts.
22. Interpretation.
23. Short title.

Whereas, by an act of the last session of Parliament (which was extended for a further period by an act of the present session), rectifying, that by reason of the closing of mills and factories in certain parts of the country great num-

bers of the labouring and manufacturing classes had been thrown out of employment, provision was made to enable boards of guardians of certain unions to obtain temporary aid to meet the extraordinary demands for relief therein: and whereas great numbers of the same classes still remain out of employment in the parts of the country aforesaid, and it is expedient to make provision for better enabling local authorities therein to give employment by the execution of works of public utility and sanitary improvement: be it therefore enacted &c., as follows:—

SECT. 1. For the purposes of loans under this act, the Commissioners of her Majesty's Treasury may from time to time, by warrant under the hands of two or more of them, cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, to the account of the Commissioners for the Reduction of the National Debt, any sum or sums of money not exceeding in the whole 1,900,000*l.*, such money to be applied exclusively under this act, and to be at the disposal of the Public Works Loan Commissioners in like manner in all respects as money placed at their disposal under the act of the 24 & 25 Vict. c. 80, and the acts therein recited, subject, nevertheless, to the provisions of this act, which provisions shall have full effect, notwithstanding anything in the Public Works Loan Act, 1853, to the contrary contained.

2. All the several clauses, powers, authorities, provisos, enactments, directions, regulations, restrictions, privileges, priorities, advantages, penalties, and forfeitures contained in, and conferred and imposed by, the said acts, or any of them, so far as the same can be made applicable, and are not varied by this act, shall be taken to extend to this act, and to everything to be done in pursuance of this act, and as if the same were herein repeated and set forth.

3. For the purposes of such works as are hereinafter mentioned, the Public Works Loan Commissioners may, out of the money for the time being at their disposal under this or any other act, from time to time lend to any such local board or local or other authority as hereinafter described, namely,

Any local board acting under the Local Government Act, 1858;

Any local authority invested with powers of town government and rating under any local act, by whatever name such local authority may be called;

Any commissioners or body of persons or other authority having power to levy rates for general or special purposes; or

Any guardians of the poor authorised to borrow as hereinafter provided;

and any such local board or local or other authority may from time to time borrow from the Public Works Loan Commissioners accordingly, such sum or sums of money as may be required, subject and according to the following provisions:—

(1). Any such loan may be made for the purposes of any permanent works which the local board obtaining the loan is authorised to execute under the powers of the Local Government Act, 1858, or this act, or (as the case may be) which the local or other authority obtaining the loan is authorised to execute under the powers of any local act or this act, or otherwise:

(2). Any such loan may be made to any such local or other authority, whether such local or other authority has or has not power to borrow under any local act or otherwise, independently of this act:

(3). Any such loan may be made to any such local board or local or other authority, to the amount authorised by this act, notwithstanding any limitation of the amount to be borrowed by such local board or local or other authority imposed by any local act or otherwise, but so that nothing in this act shall be deemed to give to any loan made under this act equality as to order of charge, or of payment of interest or principal, with any loan made or to be made under any local act, except only as to such portion (if any) of the money raised under this act as might have been raised under the local act, independently of this act:

(4). The total amount to be lent under this act to any local board or local or other authority shall not exceed such amount as would be equal to one year's

rateable value of the property assessable within the district or place in respect of which any such loan under this act may be made:

(5). The interest payable in respect of every such loan under this act shall be at the rate of 3*l.* 10*s.* per per centum per annum:

(6). The repayment of every such loan shall be made by such number of equal annual instalments, not exceeding thirty, as the Poor-law Board specify in their order sanctioning the same; but that board may, if they think fit, authorise the postponement of the payment of any instalment becoming due within the first three years for a period not exceeding two years:

(7). The repayment of any such loan, with the interest thereon, shall be secured by the local board or local or other authority to whom the loan is made, by a mortgage of, or charge upon, all or any of the rates leviable by such local board or local or other authority, either alone or together, with such other property or income as may be agreed on between such local board or local or other authority and the Public Works Loan Commissioners; and in the case of guardians, upon the security of the rates for the relief of the poor, or to be raised by the overseers in manner hereinafter provided; and it shall not be incumbent on those commissioners to require any other security:

(8). Every local board or local or other authority obtaining any such loan shall have power by virtue of this act to give such security as aforesaid, and to charge such rates, property, or income as aforesaid accordingly; and every such local board or local or other authority shall have power by virtue of this act, and is hereby required, to levy such rates, or to make such orders, for contributions respectively as may be requisite for the purposes of any such security, notwithstanding any limitation of the amount of rates to be levied by such local board or local or other authority, imposed by any local or other act, or otherwise; and in the case of any local board or local authority having rating powers under the Local Government Act, 1858, or any general or local act, such rates may be included in and levied with the general district rate under that act, or any rate levied under any general or local act:

(9). The provisions of sects. 57 and 78 of the Local Government Act, 1858, and any provisions relative thereto in the same or any other act contained, shall not apply to any loan under this act:

(10). Every loan under this act shall be made with the authority of an order of the Poor-law Board, which order that board may make if satisfied that the circumstances of the district for which the loan is required, in reference to the charge for the relief of the poor, are such as to render the loan expedient, and that all the conditions of this act have been complied with on the part of the local board or local or other authority desiring to obtain the loan; and any such order of the Poor-law Board shall be sufficient to authorise the Public Works Loan Commissioners to make any such loan, and shall not be liable to be questioned in any court of law or equity.

4. Any local board or local or other authority obtaining a loan under this act, shall apply the whole of the money borrowed exclusively for the purposes of such permanent works as aforesaid, and shall not apply any part thereof in or towards paying off any debt or charge existing at the time of the making of such loan other than such as may be due in respect of such works.

5. The money borrowed shall be advanced by the Public Works Loan Commissioners in such instalments as the Poor-law Board shall from time to time by any order direct; and the payment by the Public Works Loan Commissioners of any such instalment may be postponed or withheld on a notice from the Poor-law Board certifying that the works in respect of which the loan was authorised are not being proceeded with, in conformity with the plan proposed, to the satisfaction of the Poor-law Board.

6. One of her Majesty's Principal Secretaries of State may,

upon the application of the Poor-law Board, appoint from time to time an engineer or engineers to report to that board upon any works proposed to be executed, or in the course of being executed or completed, by means of a loan under this act, and the engineer or engineers so appointed shall have full power and authority, at all reasonable times, to examine the plans, specification, and estimates of such works, to enter upon and survey such works or the site thereof, and to inspect the accounts of any local board or local or other authority in relation thereto.

7. For facilitating the adoption of the Local Government Act, 1858, the following provisions shall, until the 1st July, 1864, take effect and be in force:—

- (1). Sect. 12 of that act, and any provision relative thereto, shall be read and construed as if the words "a week's" were substituted in that section for the words "a month's":
- (2). Sect. 17 of that act, and any provision relative thereto, shall be read and construed as if the words "fourteen days" were substituted in that section for the words "twenty-one days," and as if the words "seven days" were substituted in that section for the words "fourteen days":
- (3). Sect. 20 of that act, and any provision relative thereto, shall be read and construed as if the words "twenty-one days" were substituted throughout that section for the words "two months":
- (4). Sect. 3 of the Local Government Act Amendment Act, 1863, shall not apply to appeals against resolutions of adoption in cases coming within the operation of this act.

8. Where any local authority acquires under this act any powers by virtue of sect. 15 of the Local Government Act, 1858, which are repugnant to or inconsistent with those of the local act, the local authority shall proceed under the powers and provisions of the Local Government Act, 1858; and wherever in any such case the last-mentioned act and the local act contain provisions for effecting the same or a similar object, but in different modes, the local authority may proceed under the Local Government Act, 1858, or under the local act.

In every such case of acquisition of powers under this act, sect. 12 of the Local Government Act, 1858, and any provision relative thereto, shall be read and construed as if the words "a week's" were substituted in that section for the words "a month's."

9. Sect. 4 of the Local Government Act Amendment Act, 1863, shall apply to any place which may adopt the Local Government Act, 1858, under this act, notwithstanding the population of such place is more than 3000.

10. With respect to any works to be executed in exercise of the powers contained in sect. 69 of the Public Health Act, 1848, and sect. 38 of the Local Government Act 1858, by means of any loan under this act:—

- (1). The notice required to be given prior to the execution of such works by the local board or local authority may be in the form prescribed by the Local Government Amendment Act, 1861, or to the like effect, and may be served by delivering the same to, or at the residence or place of business of, the person or persons to whom it is addressed, or by delivering the same to some person upon the premises in respect of which the works are required, or, if there be no person upon the premises who can be so served, by fixing such notice upon some conspicuous part of the premises, or advertising the same in one or more of the newspapers circulated in the place:
- (2). Specifications and estimates of the works, certified by the surveyor of the local board or local authority, shall be deposited for inspection, with the plan and sections, in the manner required by the Local Government Act (1858) Amendment Act, 1861; and when the works affect the property of more than one person, the estimates shall shew the proposed apportionment of the expenses of the works in respect of such properties respectively:
- (3). Any person to whom such notice as aforesaid has been given may, before the expiration of the period limited thereby for the execution of the works mentioned therein, object to the execution of such works in the

manner specified, and to the proposed apportionment of the expenses of executing the same, and may give notice in writing within the period aforesaid to the local board or local authority of the matters objected to:

In default of giving the notice lastly required, it shall not be competent for such person to question the validity of any rate or charge made by the local board or local authority, for defraying or securing the expenses incurred by them in executing such works, except on the ground that the same have not been executed in conformity with the plan, section, specification, or estimates thereof:

- (4). In case of notice of objection as aforesaid, the local board or local authority may thereupon require that the several matters objected to shall be referred to arbitration in the manner prescribed by the Public Health Act, 1848, before they proceed to execute the works in question, and the result of such arbitration shall be final:
- (5). The charge upon any property affected by the works executed under this section in respect of the expenses incurred by any local board or local authority in the execution of such works, shall have priority over any mortgage or other incumbrance upon such property, and shall be recoverable in the manner provided by the Public Health Act, 1848, and the Local Government Act, 1858, for the like purpose.

11. No objection shall be allowed at the hearing of any information or other proceeding under this act on the ground of any alleged defect in substance or in form in any notice, summons, complaint, or order made or issued under this act, or on account of any variance between such notice, summons, complaint, or order, and the evidence adduced at the said hearing, unless it shall appear to the justices present and acting at the said hearing, that the said alleged defect or variance has misled the person by or on whose behalf the said objection is taken; but if the said justices shall be of opinion that the said alleged defect or variance has misled such person, it shall be lawful for the said justices to amend the same, and to adjourn the hearing of such information or proceeding to such time and on such terms as they shall think fit.

12. Any local board or local or other authority (except guardians) shall have power to execute, by means of any loan under this act, all or any of the following works, subject to the restrictive and saving clauses and provisions contained in the Local Government Act, 1858, so far as the same are applicable to the execution of any such works, in addition to the works authorised by the Local Government Act, 1858, or any local act; that is to say, any such local board, or local or other authority, shall have power—

To acquire, drain, lay out, plant, or otherwise improve any common or other lands used, or intended to be used, as places of public recreation; to construct, improve, or enlarge any reservoir for water supply, and to lay down or extend the requisite pipes for such reservoir;  
To widen, deepen, cleanse, embank, straighten, or otherwise improve any river, stream, or brook;  
and also to enter into any agreement respecting the execution of any such work, or the apportionment of the cost thereof, with any person or authority interested in any such lands, river, stream, or brook, or in any property adjoining thereto, or likely to be beneficially or otherwise affected by any such work.

13. Any local board or local or other authority may agree, but in the case of guardians not without the approval of the Poor-law Board, with the owner of any lands in or adjoining to or near their district, to make any road, or to execute any work of drainage, or of private improvement, through, in, or on such lands, at the expense of the owner, and may allow the owner time for repayment of the amount expended, and receive the same by annual instalments, not being less than one-thirtieth part of the entire sum, with interest, at not less than the rate of 3*l.* 10*s.* per centum per annum upon the sum from time to time remaining unpaid.

Where such owner has a limited estate or interest only in such lands, he may, by an instrument in the form set forth in the Schedule to this act, with such variations as circumstances may require, charge the inheritance of such lands with the



amount so expended, and with the amount of the costs incurred by the local board or local or other authority, and by such owner, in relation to the security to be given by him, together with interest for the aggregate of those amounts, at the rate aforesaid; and may, by the same instrument, declare the manner and times of the payment of such interest, and of the instalments aforesaid; and all the provisions of the Local Government Act, 1858, with respect to the recovery and redemption of private improvement rates shall apply, as far as may be, to every such charge.

Provided, that no such instrument shall operate so as to charge the estate or interest of any person taking in succession after such limited estate or interest, until a certificate, signed by an engineer to be appointed as aforesaid, has been indorsed thereon, to the effect, that in the opinion of such engineer the works in respect of which such charge is intended to be created have been duly executed, and will effect such a permanent increase in the yearly value of the lands to be charged as will render the amount expended an outlay beneficial to the inheritance; and every such certificate, so signed, shall be conclusive evidence that the engineer by whom the same is given has been duly appointed for the purpose aforesaid.

In this section the term "owner" means the person who is for the time being in receipt, whether on his own account or as trustee for any other person, of the rackrent of the lands affected by such works; or who, if such lands were let to a tenant at rackrent, would for the time being be entitled to the receipt thereof, whether on his own account or as trustee for any other person: provided that any person holding any lands under a lease shall not be entitled to be deemed the owner thereof within the meaning of this section unless he holds the same for a term whereof thirty years at least are unexpired at the passing of this act, or for lives whereof two at least are subsisting at the passing of this act, and where such years or lives are not unexpired or subsisting, the person entitled to the reversion immediately expectant on the determination of such lease shall be deemed the owner within the meaning of this section.

14. If the guardians of any union, pariah, or township should, at a meeting held after special notice in writing sent to every elected and ex-officio guardian of the union, determine that it would contribute to the health or convenience of the inhabitants of any place for which such guardians are the local authority for executing the powers of the Nuisances Removal Acts that any of the following works should be executed, viz.

That any pond, pool, open ditch, sewer, or drain should be drained, cleansed, covered, or filled up;

That any highway or public road or footpath should be made, levelled, or improved;

That any river, stream, or brook should be widened, deepened, cleansed, embanked, straightened, or otherwise improved;

That a sewer or drain should be made or improved;

That a well should be dug;

That a reservoir for water supply should be constructed, improved, or enlarged, or the requisite pipes connected with any reservoir for water supply be laid down, improved, or extended;

That any common or other lands used or intended to be used as places of public recreation should be drained, laid out, planted, or otherwise improved; or

That any other work of public utility or sanitary improvement should be executed;

such guardians may procure a plan of such works, and an estimate of the cost thereof, and lay the same before the Poor-law Board, who, upon being satisfied that such works may be properly undertaken and executed, may, by an order, authorise the guardians to borrow, and thereupon the Public Works Loan Commissioners may lend to the guardians, subject and according to the provisions hereinbefore contained, such money as the Poor-law Board may consider necessary for the works so approved, the repayment of such money, with interest at the rate aforesaid, to be secured by the guardians by a mortgage of or charge upon the rates raised or to be raised in manner hereinafter mentioned; the guardians shall cause such works to be executed, subject to the restrictive and saving clauses and provisions contained in the Local Government Act, 1858, so far as the same are applicable to the execution of any such works, paying the cost

thereof out of the money so borrowed, with power nevertheless, if they think fit, from time to time to appoint a committee or committees of their own body, of which committee the elected guardian or guardians of any such place and the justices of the peace resident therein shall ex officio be members, if not otherwise elected, to act in and for one or more of the places for which the guardians are the local authority; and every committee so appointed shall have the full power to direct and superintend the execution of such works within the specified place or places for which the committee is appointed.

15. The instalments of principal in repayment of any loan under this act to guardians shall, with the interest on so much of the loan as from time to time remains unpaid thereon, be contributed and raised in manner hereinafter mentioned—that is to say,

(1). Where the works for which the loan has been advanced shall be undertaken for a place maintaining its own poor, the instalments and the interest shall be contributed by the overseers upon the order of the guardians out of the poor's rate, in like manner as the other claims of the guardians upon them:

(2). Where the works shall be undertaken for two or more such places, the instalments and the interest shall be apportioned by the guardians between such places in proportion to the costs of the works undertaken therein respectively, as set forth in the estimate for the same, approved of by the Poor-law Board, and the instalments and interest when so apportioned shall be contributed by the overseers of such places respectively upon the order of the guardians as aforesaid:

(3). Where the works shall be undertaken for a place, for part only of which the guardians are the local authority, the instalments and the interest shall be contributed by the overseers upon the order of the guardians, but the overseers shall raise the amount from time to time as required by a rate upon all the rateable property within that part of such place within which the guardians are the local authority, as if such part were a separate place maintaining its own poor; and such rate shall be made and enforced in like manner in every respect as a rate for the relief of the poor:

(4). Where the works shall be undertaken for one or more places maintaining their own poor, and also for one or more such places, for part only of which the guardians are the local authority, the instalments and the interest shall be apportioned by them between such places and parts of places respectively, and shall be contributed and collected by the overseers in manner hereinbefore provided with respect to contributions from such places and parts of places respectively.

16. The Lands Clauses Consolidation Act, 1845, and any act amending the same, except with respect to the taking of lands otherwise than by agreement, shall be incorporated with this act; and for the purposes of those acts this act shall be deemed the special act, and the local board or local or other authority exercising the powers of this act shall be deemed the promoters of the undertaking.

17. The clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, except so far as the same may be inconsistent with the provisions of the said act of the session of the 34 & 25 Vict. c. 80, or of any of the acts therein re-enacted, shall be incorporated with this act; and in the construction of this act, and of the said incorporated clauses, this act shall be deemed the special act, and the local board or local or other authority to which a loan is made shall be deemed to be the commissioners.

18. Every mortgage for securing money lent under this act purporting to be executed by any such local board or local or other authority as hereinbefore described, except guardians, in manner provided by the clauses of the Commissioners Clauses Act, 1847, herein incorporated, and every like mortgage purporting to be executed by the guardians of any union, pariah, or township as aforesaid, shall constitute a complete and valid security on the rates, property, and income thereby expressed to be mortgaged, and shall give to and impose on the local board or local or other authority intrusted with the levying

of the rates thereby expressed to be mortgaged, or authorised to make calls for contributions as hereinbefore mentioned, the power and obligation from time to time to levy such rates, or to make and enforce such calls, as the case may be, to an amount sufficient to maintain any such works, and to discharge, in manner provided by such mortgage, the principal and interest expressed to be thereby secured, notwithstanding any defect or irregularity in the election, appointment, constitution, or proceedings of such local board or local or other authority, and notwithstanding any vacancy in the number of persons, or any disqualification of any person or persons being a member of or constituting such local board or local or other authority, and notwithstanding that any person or persons may have assumed to act as member or members of such local board or local or other authority, or as such authority, though not legally elected, appointed, constituted, or qualified as such member, members, or authority.

19. Where the Public Works Loan Commissioners make a loan in pursuance of any such order of the Poor-law Board as hereinbefore mentioned, and take a mortgage for securing repayment of the same, purporting to be made under the authority of this act, they shall not be bound to require proof that any condition imposed by this act has been duly complied with; and in every such case the local board or local or other authority shall have full power, and is hereby required, to levy the rates mortgaged, or to make and enforce such calls for contributions as aforesaid, as the case may be, for repayment of the money borrowed, with interest, notwithstanding that any such condition may not have been complied with; and it shall not be competent to any ratepayer or other person to question the validity of any such mortgage or rate on the ground that any such condition had not been complied with.

20. The Poor-law Board shall not make an order for a loan under this act in any case after the 1st July, 1864, unless they think fit to make an order after that day with a view to the completion of works then already begun.

21. This act shall extend and apply only to boroughs, parishes, towns, districts, and places within or comprising the unions situate wholly or in part in the counties of Chester, Lancaster, and Derby.

22. The word "overseers" shall include churchwardens in the case of any parish to which this act applies.

23. This act may be cited as "The Public Works (Manufacturing Districts) Act, 1863."

#### SCHEDULE.

This deed, made the — day of —, 186—, witnesseth, that A. B., of —, being the owner, within the meaning of the Public Works (Manufacturing Districts) Act, 1863, of the lands mentioned in the schedule hereto, by virtue and in exercise of the power in this behalf vested in him by the said act, and of every other power enabling him in this behalf, doth hereby charge the inheritance of such lands with the sum of £—, being the amount expended by [describe the local board or local or other authority] in the execution of the following works for the improvement of the said lands [describe the works], and with the sum of £—, being the amount of the costs incurred by the said local board [or local or other authority] and the said A. B., as such owner as aforesaid, in relation to this present security, making together the sum of £—, together with interest for the same aggregate sum of £—, at the rate of £— per cent. per annum, from the — day of — until full payment thereof; and doth hereby declare, that the said principal money and interest shall be paid by the owner for the time being of the said lands to the said local board [or local or other authority] in manner following; namely, the interest on such principal sum of £—, or on so much thereof as from time to time remains unpaid, shall be paid by equal half-yearly payments, on the — day of —, and the — day of —, in every year, the first payment of such interest to be made on the — day of —, 186—; and such principal sum of £— shall be paid by — equal annual instalments on the — day of — in every year, the first of such instalments to be paid on the — day of —, 186—.

In witness whereof the said A. B. hath hereunto set his hand and seal the — day of —, 186—.

Witnesses.  
C. D.  
E. F.

A. B. (Ls.)

#### SCHEDULE OF LANDS CHARGED.

Description of Lands.	Name of Occupier.	Where situate.	Total Acreage.

#### CAP. LXXI.

An Act for the Preservation and Improvement of Harwich Harbour. [28th July, 1863.]

#### CAP. LXXII.

An Act for the further Improvement of the Harbour of Howth. [28th July, 1863.]

#### CAP. LXXIII.

An Act to give further Facilities to the Holders of India Stock. [28th July, 1863.]

- Sect. 1. *Short title.*  
2. *Definition of terms.*  
3. *Right of certificate of title to India Stock.*  
4. *Restriction as to trustees taking certificates of title.*  
5. *General provisions as to certificates of title.*  
6. *Reconversion of the certificate to stock.*  
7. *Fees in respect of dealings with stock under this act.*  
8. *Remuneration to the Bank.*  
9. *General regulations with respect to certificates of title.*  
10. *Income tax.*  
11. *Unclaimed dividends.*  
12. *Shares in India Stock outstanding to cease to be transferable &c.*  
13. *Punishment of forgery.*  
14. *Punishment of personation.*  
15. *Punishment of engraving &c.*  
16. *As to the signature and counter-signature of documents in the Department of the Secretary of State for India.*

Whereas the Secretary of State in Council of India is empowered, under the provisions of certain acts of Parliament passed in sessions holden in the 22 & 23 Vict. [c. 39], 23 & 24 Vict. [c. 130], and 24 & 25 Vict. [c. 25], respectively, to raise money in the United Kingdom, not exceeding such amount as is in the said acts prescribed, and is further empowered, upon or for the repayment of any principal money secured under the authority of the said acts respectively, to borrow or raise by the like method all or any part of the amount of principal money so repaid or to be repaid: and whereas capital stock has been and may be from time to time created and issued under the authority of the said acts respectively, and it is expedient to give further facilities to the holders of such stock in respect of the transfer thereof, and the receipt of the dividends thereon: be it enacted &c., as follows:—

Sect. 1. This act may be cited for all purposes as "The India Stock Certificate Act, 1863."

2. In this section, and elsewhere in this act, the following expressions have the meanings here assigned to them:—

"The Bank" shall, with reference to the stocks created and issued under the said acts transferable at the Bank of England, and certificates issued under this act in respect thereof, and the coupons of such certificates, mean the Governor and Company of the Bank of England, and shall, with reference to the said stocks transferable at the Bank of Ireland, and certificates issued under this act in respect thereof, and the coupons of such last-mentioned certificates, mean the Governor and Company of the Bank of Ireland:

"India Stock" shall mean any stocks which have been or may be created and issued under the acts aforesaid, transferable in the books of the Bank, and "share in India Stock" shall include any part of a share:

"Person" shall include corporation.

3. With the exception and subject to the conditions hereinafter mentioned, every person who now is, or may hereafter be, inscribed in the books of the Bank of England or of the

Bank of Ireland as proprietor of a share in India Stock may obtain a certificate or certificates of title to the said share, or to any part thereof, having annexed coupons entitling the bearer to the dividends payable in respect of that share or part of a share.

4. No trustee of any share in the said stock shall apply for or hold a certificate of title to that share, unless he is authorised so to do by the terms of his trust; and any contravention of this section by a trustee shall be deemed to be a breach of trust, and be punishable accordingly; nevertheless, this section shall not impose on the Bank any obligation to inquire whether a person applying for a certificate of title under this act is or is not a trustee, nor subject them to any liability in the event of their granting a certificate of title to a trustee, nor invalidate any certificate of title if granted.

5. No certificate shall be granted in respect of any sum of stock being other than 100*l.*, or 500*l.*, or 1000*l.*

The coupons annexed to an India Stock certificate shall comprise the dividends payable in respect of the stock described in the certificate. At the expiration of the period for which the coupons shall have been issued, fresh coupons shall be issued for further successive periods during the continuance in force of the stock certificate; but the Bank may, if they think fit, in lieu of issuing fresh coupons in respect of a certificate, give in exchange a fresh certificate with coupons attached thereto.

Coupons shall be payable at the chief establishment of the Bank at the expiration of three clear days from the day of presentation.

The payment to the bearer of any coupon of the amount expressed therein shall be a full discharge to the Bank of all liability in respect of that coupon and the dividend represented thereby.

If any India Stock certificate or coupon issued under this act is lost or destroyed, and such loss or destruction proved in such manner as may from time to time be directed by the Bank, the Bank shall grant a new certificate or coupon, on receiving indemnity to their satisfaction against the claims of all persons deriving title under the certificate or coupon so lost or destroyed.

No notice of any trust in respect of any stock certificate or coupon issued under this act shall be receivable by the Bank.

An India Stock certificate shall entitle the bearer to the stock therein described, and shall be transferable by delivery.

6. The bearer of an India Stock certificate may, on delivery up to the Bank of his certificate and of all unpaid coupons belonging thereto, and on compliance with any regulation made in pursuance of this act, require to be registered in the books of the Bank as a holder of the stock described in the certificate under which he derives title, and thereupon the stock shall be re-entered in the books kept by the Bank for the entry of transferable stock, and become transferable, and the dividends payable, as if no certificate had been issued in respect of such stock.

7. No fees shall be charged on the grant of a stock certificate to bearer in exchange for a like certificate, but there shall be charged with respect to the several other proceedings in relation to stock authorised by this act the fees specified in the schedule hereto, or such less fees as may be determined by the Secretary of State in Council.

All fees received in pursuance of this act shall be paid to the "Account of the Secretary of State for India in Council of India."

No stamp duty shall be payable in respect of any certificate or coupon issued in pursuance of this act.

8. There shall be paid to the Bank of England, by the Secretary of State in Council, on account of the additional trouble, expense, and responsibility, if any, imposed on it by this act, in addition to the remuneration otherwise payable to it in respect of the management of the Indian Debt, such remuneration as may be agreed upon between the Bank of England and the said Secretary of State in Council.

9. The Bank of England and the Bank of Ireland, with the sanction of the Secretary of State in Council, may from time to time issue any forms that may be required for carrying into effect the provisions of this act, and also from time to time make any regulations that are not inconsistent with this act relative to the following things:—

(1). The time for which coupons are to be given:

(2). The authority under which and the mode in which the

Bank is to act in issuing India Stock certificates, or registering in their books the holders of such stock certificates, or taking any other proceedings in relation to India Stock authorised to be taken under this act:

(3). The mode of proving the title of or identifying any person applying for an India Stock certificate, or deriving any title under a stock certificate issued under this act:

(4). With respect to any other matter necessary to carry this act into effect:

And any regulation so made shall be deemed to be part of this act, in the same manner as if it were herein enacted.

10. The income tax shall be deducted from any coupons payable under this act in the same manner and subject to the same regulations in and subject to which it may, in pursuance of any law for the time being in force, be deducted from the dividends payable at the Bank in respect of the stock of proprietors inscribed in the books of the Bank: provided always, that such deduction of income tax shall be made, although the half-yearly payment on any coupon shall not amount to 50*s.*, anything in any former act to the contrary notwithstanding.

11. All sums due and not demanded on any coupons issued under this act shall for all purposes be dealt with as if they were dividends due and not demanded in respect of the stock of proprietors inscribed in the books of the Bank.

12. When any certificate of title issued under this act in respect of any share in India Stock is outstanding, the stock represented thereby shall cease to be transferable in the books of the Bank.

Save in so far as relates to the mode of transfer and payment of dividends thereon, any India Stock described in a stock certificate issued under this act shall be deemed to be charged on the same securities, and to be subject to the same powers of redemption, and to the same incidents in all respects, including the remuneration payable to the Bank, as if it had continued registered in the books of the Bank as stock transferable therein.

13. Whosoever shall forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any India Stock certificate or coupon, or any document purporting to be any India Stock certificate or coupon, issued in pursuance of this act, or shall demand or endeavour to obtain or receive any share or interest of or in India Stock, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered certificate or coupon, or document purporting as aforesaid, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

14. Whosoever shall falsely and deceitfully personate any owner of any share or interest of or in India Stock, or of any India Stock certificate or coupon issued in pursuance of this act, and shall thereby obtain or endeavour to obtain any such India Stock certificate or coupon, or receive or endeavour to receive any money due to any such owner, as if such offender were the true and lawful owner, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

15. Whosoever, without lawful authority or excuse, the proof whereof shall lie on the party accused, shall engrave or make upon any plate, wood, stone, or other material any India Stock certificate or coupon purporting to be an India Stock certificate or coupon issued or made under and in pursuance of this act, or to be a blank India Stock certificate or coupon issued or made as aforesaid, or to be a part of such a stock certificate or coupon, or shall use any such plate, wood, stone, or other material for the making or printing any such India Stock certificate or coupon, or any such blank India Stock certificate or coupon, or any part thereof respectively, or knowingly have in his custody or possession any such plate, wood, stone, or other material, or shall knowingly offer, utter, dispose of, or put off, or have in his cus-

to the possession, any paper upon which any such blank India stock certificate or coupon, or part of any such India Stock certificate or coupon, shall be made or printed, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

16. And whereas it is expedient that there should be uniformity of practice in respect of the signature and countersignature of documents by the Secretary and Under-Secretaries of State and Members of the Council of India: be it enacted, that wherever, by reason of the provisions of any act of Parliament or otherwise, it is required that any deeds, contracts, bonds, debentures, cheques, drafts, or orders for money, or other documents, shall be signed by any number of members of the Council of India, and countersigned by the Secretary of State or one of his Under-Secretaries, any such deed, contract, bond, debenture, cheque, draft, or order for money, or other document, may be signed by two members of the said Council, and countersigned by the Secretary of State or one of his Under-Secretaries, or by his Assistant Under-Secretary.

#### SCHEDULE.

##### *Schedule of Fees.*

On the issue of an India Stock certificate, a fee not exceeding 5s. on every 100l. of stock included in the certificate.

On the registration in the books of the Bank of the stock included in an India Stock certificate, a fee not exceeding 5s.

#### CAP. LXXIV.

An Act to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, a legal Tender for Payments; and for other Purposes relating thereto. [28th July, 1863.]

Sect. 1. *Power to her Majesty to declare gold coins made at the Branch Mint at Sydney a legal tender in the United Kingdom.*

2. *Power to her Majesty to impose a charge on coin-ing gold.*

3. *Short title.*

Whereas by an act of the 56 Geo. 3, c. 68, intituled "An Act to provide for a new Silver Coinage, and to regulate the Currency of the Gold and Silver Coins of this Realm," it is, amongst other things, provided, that after the date of the passing of that act the gold coin of the realm should be the only legal-tender for payments (except the silver coin of the realm to the extent of 40s.) within the United Kingdom of Great Britain and Ireland: and whereas by the same act it is declared that the gold coin of the realm should hold such weight and fineness as are prescribed by an indenture therein referred to, and made with his Majesty's master and worker of the Mint for making gold monies at his Majesty's Mint in London, and with such allowance called the remedy as is given to the said master by the said indenture, which weight and fineness are by the said act declared to be the standard of the lawful gold coin of the realm, so far as relates to the gold coins of the denominations in use at the time of the passing of the said act and specified in the said indenture: and whereas gold cold coins of the weight and fineness and of the denominations mentioned in the said act, and specified in the said indenture, have from the date of the said act up to the present time continued to be issued from her Majesty's Mint in London, and to be the only legal tender for payments, except as aforesaid, within the United Kingdom: and whereas her Majesty has by proclamation established at Sydney, in New South Wales, a branch of the Royal Mint for making gold coins of the same weight and fineness, and of the same denominations as the gold coin issued by her Majesty's Mint in London, and has appointed a deputy master of the said Branch Mint; and it is expedient that power should be given to her Majesty to make the gold coin so issued by her Majesty's Mint at Sydney a legal tender for payments in the United Kingdom: be it therefore enacted &c., as follows:—

Sect. 1. It shall be lawful for her Majesty, by proclamation issued with the advice of her Privy Council, to declare that, after a date specified in such proclamation, gold coins

made at the said Branch Mint, of designs approved by her Majesty, at Sydney aforesaid, and being of the same weight and fineness as are required by law with respect to gold coins of the same denominations made at her Majesty's Mint in London, are to be a legal tender for payments within the United Kingdom of Great Britain and Ireland; and upon such proclamation being issued, gold coins made of such designs, and being of such weight and fineness as aforesaid, shall be a legal tender for payments accordingly.

2. 'It shall be lawful for her Majesty, by proclamation issued with such advice as aforesaid, from time to time to impose on the coinage of gold at the said Branch Mint at Sydney a charge sufficient to defray the expenses of coinage, over and above the expenses of assay and refining; and it shall be incumbent on the said deputy master to coin gold at the charge so imposed.

3. This act may be cited for all purposes as "The Sydney Branch Mint Act, 1863."

#### CAP. LXXV.

An Act for the Embankment of Part of the River Thames, on the South Side thereof, in the Parish of St. Mary, Lambeth; and for other Purposes. [28th July, 1863.]

##### *Works.*

Sect. 1. Power to make works according to deposited plans. Works authorised.

2. Public footway along the embankment.

3. Auxiliary works.

4. Power to Board to construct or provide barge beds, &c.

5. Power to deviate.

6. For the protection of Lambeth Bridge.

7. Lambeth Bridge Company may, on default of Board, complete certain works.

8. As to the maintenance of existing draw docks at Broad-street and Ferry-street.

9. Sects. 16, 19, 20, 21, and 22 of the 25 & 26 Vict. c. 93, incorporated.

10. Board empowered to take places for depositing materials.

11. Other works to be approved of by the Board of Trade.

12. Alteration of position of gas and other pipes.

13. Power to set out footways.

14. Ground laid open into streets to form part thereof. Streets to be under management of vestries, &c.

##### *Lands.*

15. Power of Board to take lands.

16. Not to take any part of Lambeth Bridge.

17. Sects. 23, 24, and 40 of the 25 & 26 Vict. c. 93, incorporated.

18. Purchase and extinguishment of easements.

19. Custody of deposited plans.

20. Powers for compulsory purchases limited.

21. Sects. 27, 32 to 34, and 37 of the 25 & 26 Vict. c. 93, incorporated.

22. Enabling the making of grants of lands and hereditaments on the part of the Duchy of Cornwall.

23. Mode of ascertaining value of interest of Crown and Thames Conservators in certain lands.

24. Saving rights of the Crown.

25. Saving rights of the Commissioners of her Majesty's Works.

##### *Money.*

26. Power to Board to borrow for purposes of this act.

27. Priority of charges over monies raised for purposes of this act.

28. Lands taken under this act may be given as security.

29. Appropriation of residue of improvement fund, after providing for cost of left bank embankment, and of new street from Blackfriars to Mansion House.

30. Power to Board to give their general fund as collateral security.

31. Separate accounts and repayment of advances out of Thames Embankment and Metropolis Improvement Fund.

##### *Miscellaneous.*

32. Determination in case of disputed compensation.

33. Sects. 48 to 52 of the 25 & 26 Vict. c. 93, incorporated.

34. Extension to this act of general powers of Board.

35. Saving rights of the Conservators of the Thames.

36. Saving for rights of Duchy of Cornwall.

- 37. Saving for rights of Commissioners of Works, &c.
- 38. Short title.
- 39. Expenses of act.

## CAP. LXXVI.

An Act to determine the Time at which Letters-patent shall take effect in the Colonies. [28th July, 1863.]

- Sect. 1. *Existing letters-patent not to take effect in colonies till published or acted on. Acts done under such letters-patent valid.*
- 2. *Future letters-patent not to take effect in colony till publication.*
- 3. *Appointments by letters-patent to be void, unless published within six or nine months.*
- 4. *Stat. 9 & 10 Vict. c. 91, repealed.*
- 5. *Period of act coming into operation.*

Whereas her Majesty hath from time to time caused to be made, under the Great Seal of the United Kingdom of Great Britain and Ireland, divers letters-patent intended to take effect within her Majesty's colonies and possessions beyond the seas; and whereas doubts are entertained respecting the period at which such letters-patent have taken, or may hereafter take, effect within such colonies and possessions, and it is expedient that such doubts should be removed: be it therefore enacted &c., as follows:—

Sect. 1. No such letters-patent heretofore made shall (unless otherwise provided therein, or by other lawful authority) be deemed to have taken or shall take effect in any such colony or possession as aforesaid until the same were or shall be publicly made known or acted upon therein: provided that any act or thing heretofore done, or purporting to have been done, in pursuance or under authority of such letters-patent, shall be as valid and effectual as if the same letters-patent had taken effect at the date of the making thereof.

2. No such letters-patent hereafter to be made shall (unless otherwise provided therein, or by other lawful authority) take effect in any such colony or possession until the making of the same shall have been signified therein by proclamation or other public notice.

3. Any such letters-patent by which any person may be hereafter appointed to any office or employment within any of such colonies or possessions shall (unless otherwise provided therein, or by other lawful authority) become null and void in respect of such colony, unless the same shall be so signified as aforesaid within the following period—that is to say, within nine calendar months, in case such colony or possession shall be to the eastward of Bengal, in the East Indies, or to the west of Cape Horn, in South America; or in any other case within six months after the making thereof.

4. The act of the 9 & 10 Vict. c. 91, intituled "An Act to continue certain Patent Commissions until the Exhibition of the Commissions revoking them," is hereby repealed.

5. This act shall take effect in each of her Majesty's colonies and possessions so soon as the same shall be proclaimed therein by the officer administering the government thereof.

## CAP. LXXVII.

An Act to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices. [28th July, 1863.]

Whereas by the 6th section of an act of the 11 & 12 Vict. c. 43, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders" (which act is hereinafter referred to as the principal act), it is enacted, that such of the provisions contained in the act passed in the same session of Parliament, the 11 & 12 Vict. c. 42, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Persons charged with indictable Offences," whereby a justice of the peace for one county, riding, division, liberty, city, borough, or place may act for the same whilst residing or being in an adjoining county, riding, division, liberty, city, borough or place of which he is also a justice of the peace, or whereby a justice of the peace for any county at large, riding, division, or liberty may act as such within any city, town, or precinct next adjoining thereto or surrounded thereby, being a county of itself, or

otherwise having exclusive jurisdiction, as are applicable to the provisions of the principal act shall be deemed to be incorporated with the principal act, and to extend to all acts required of or to be performed by justices of the peace under or by virtue of the principal act in as full and ample a manner as if the said provisions and enactments were repeated and made parts of that act: and whereas by the 35th section of the principal act it is provided, that nothing in that act contained shall extend to certain cases therein mentioned: and whereas it is apprehended that the provisions of the said 6th section of the principal act are controlled by the 35th section of the same act, and that justices cannot act under the first-mentioned of the said two sections in the cases mentioned in the said 35th section: and whereas it is expedient that the principal act should be amended as hereinafter provided: be it enacted &c., as follows:—

Sect. 1. The 35th section of the principal act shall not apply to or control the 6th section of the same act, and such last-mentioned section shall be construed as if the 35th section were not and never had been contained in the principal act; and any acts done or orders made by justices previously to the passing of this act which would have been valid if this act had been passed at the respective dates of such acts being done or orders made, shall be and are hereby declared to be valid accordingly.

## CAP. LXXVIII.

An Act to amend the Acts relating to the Turnpike Roads in the Neighbourhood of the Metropolis North of the River Thames. [28th July, 1863.]

- Sect. 1. Short title.
- 2. Supply of vacancies in commission.
- 3. After the 1st July, 1864, roads in parishes specified in the first schedule to cease to be maintained by commissioners;
- 4. And afterwards shall be maintained by the parishes in which they lie.
- 5. Apportionment between two parishes of portions of parish highways in both parishes, as in the second schedule.
- 6. Inhabitants of houses near to parish highways not to be assessed under the act of 1826.
- 7. Toll-houses, &c., to be removed, with option to parishes to purchase pumps, &c.
- 8. Provisions of other acts relating to parish highways continued.
- 9. Apportionment of the income from Lyon's estates.
- 10. Apportionment of the income from Harvist's estate.
- 11. The other roads now under care of commissioners to continue so subject, and to be divided into districts, as in the third schedule.
- 12. Cesser of liability of commissioners to maintain other roads.
- 13. Map of districts to be deposited with clerks of the peace.
- 14. Powers to put up toll-gates, &c.
- 15. Tolls under act of 1829 to cease.
- 16. Tolls specified in the fourth schedule.
- 17. Repeal of sections of acts of 1826 and 1829 specified in the fifth schedule.
- 18. Repeal of sect. 141 of the act of 1826, and restrictions and regulations as to erection of buildings in the City-road.
- 19. Provision as to Lea Bridge.
- 20. Increase of tolls in the 13th district when repairs of Lea Bridge exceed 1000l.
- 21. Provisions of the 24 & 25 Vict. c. 70, to apply.
- 22. Horses, &c., going to depasture on Walthamstow Marsh exempt from toll in the 13th district.
- 23. Tolls to be paid only once a day in the same district.
- 24. Horses, &c., drawing different carriages to pay each time of passing.
- 25. Postchaises to pay on every fresh hiring.
- 26. Stage coaches to pay each time of passing.
- 27. Hackney coaches to pay each time of passing with a fresh hiring.
- 28. Carts laden with bricks, &c., to pay each time of passing.
- 29. Additional tolls in respect of narrow wheels.
- 30. Power to direct that payment of toll in one district shall exempt from payment in another.
- 31. Special ticket for denoting special exemption.
- 32. Penalty on collector, &c., for giving false special ticket.

33. Compensation for officers of commissioners for loss of salary, &c.
34. Provisions of act of 1826 applicable to tolls under this act.
35. Exercise of powers to remove nuisances given by acts of 1826 and 1829.
36. As to offences under sect. 157 of act of 1826.
37. Provisions of acts of 1826 and 1829 to continue applicable to roads maintained by commissioners.
38. Highways not to be lessened in width.
39. Commissioners not bound to light or watch roads.
40. Times for making up yearly accounts and holding yearly meetings of commissioners.
41. Provision for portions of roads ceasing in future to be maintainable by commissioners;
42. And being thenceforth maintained by the parishes in which they lie.
43. Provision as to toll-houses, &c., thereon.
44. Term of act.
45. Application to Parliament for regulation of roads, &c., after expiration of term of act.
46. Application to Chancery for interim order for application of income from trust estates.

#### CAP. LXXIX.

An Act for the Amendment of the Law relating to the Religious Instruction of Prisoners in County and Borough Prisons in England and Scotland. [28th July, 1863.]

##### Sect. 1. *Short title.*

1. *Act to apply to all gaols, &c.*
2. *Power to appoint additional ministers to prisons. Regulation as to admission of ministers.*
4. *Keepers of prisons to register religion of prisoners.*
5. *So much of sect. 30 of the 4 Geo. 4, c. 64, as provides for visits of chaplains not to apply to prisoners visited by other ministers.*

Whereas it is expedient to amend the law relating to prisoners in England and Scotland with respect to the religious instruction of the prisoners confined therein: be it enacted &c., as follows:—

Sect. 1. This act may be cited for all the purposes as "The Prison Ministers Act, 1863."

2. This act shall apply in England to all gaols, prisons, and houses of correction (hereinafter included under the term "prisons") that are maintained at the expense of any county, riding, division, or liberty of a county, or of any county of a city, county of a town or borough, and in Scotland to all local prisons as defined by the Prisons (Scotland) Administration Act, 1860.

3. Where the number of prisoners confined in any prison to which this act applies, and belonging to some church or religious persuasion differing, if in England, from the Church of England, and if in Scotland, from the Church of Scotland, is so great as, in the opinion of the justices, county board, or other persons having the appointment of chaplain in the said prison, to require the ministrations of a minister of their own church or persuasion, the said justices, county board, or other persons may appoint a minister of such last-mentioned church or persuasion to attend at the said prison on the prisoners of his own church or persuasion, and they may, if they think fit, award to him a reasonable sum as a recompense for his services, such sum to be deemed a part of the expenses of the prison to which he is appointed, and to be paid out of the funds legally applicable to the payment of such expenses.

The visiting justices of any prison may, if they think fit, without a special request being made by, but not against the will of, any prisoner of a church or religious persuasion differing from that of the Established Church, permit a minister of the church or persuasion to which such prisoner belongs (if no appointment of such a minister has been made under this act) to visit such prisoner at proper and reasonable times, under such restrictions imposed by them as may guard against the introduction of improper persons, and may prevent improper communications; provided that any prisoner shall, on request, be allowed, subject to the rules of the gaol, to attend the chapel or to be visited by the chaplain of the gaol. Every minister appointed or permitted to visit prisoners under this act shall hold his appointment or permission to visit during the pleasure of the authority by whom he was appointed or

permitted to visit, and shall conform in all respects to the regulations of the prison at which he attends. No minister shall be appointed under this act for any prison in which there is not a chaplain of the Established Church.

4. The keeper or other person performing the duties of keeper of a prison on receiving into his custody any prisoner shall enter his name in a book to be provided for the purpose, with the addition of the church or religious persuasion to which the prisoner shall declare himself to belong, and the said keeper or other person shall from time to time give to any minister appointed or permitted to visit prisoners in the prison a list of the prisoners so declared to belong to the church or persuasion of such minister, and no such minister shall be permitted to attend or visit any prisoner belonging to any religious persuasion differing from that to which such minister belongs.

5. So much of the 30th section of the said act passed in the 4 Geo. 4, c. 64, as provides "that the chaplain shall frequently visit every room and cell in the prison occupied by prisoners, and shall direct such books to be distributed and read, and such lessons to be taught, in such prison, as he may deem proper for the religious and moral instruction of the prisoners therein, and that he shall visit those who are in solitary confinement," shall not apply to any prisoner who is attended or visited by a minister of a church or persuasion differing from the Church of England, except when the visits of any such minister shall have been discontinued for the period of fourteen days; and no prisoner belonging to any church or religious persuasion shall be compelled to attend any religious service held or performed by any chaplain, minister, or religious instructor of a church or religious persuasion to which the said prisoner does not belong.

#### CAP. LXXX.

An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenal and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal. [28th July, 1863.]

Sect. 1. The sum of 650,000*l.* to be issued out of the Consolidated Fund towards expenses after mentioned.

2. Appropriation of the money so issued to the expenses of constructing fortifications, and providing a central arsenal.

3. Treasury to raise 650,000*l.* by creating annuities for a term not exceeding thirty years.

4. Treasury to fix the term and amount of annuity to be granted to contributors for every 100*l.*, and terms of payment of subscriptions.

5. Power to guardians, &c., to subscribe for infants.

6. Time at which annuities may be transferred.

7. Contributors may anticipate payments.

8. Annuities payable, &c., at the Bank.

9. Money to be issued out of the Consolidated Fund for payment of annuities and charges, and shall be charged upon the said fund.

10. Bank of England to appoint a cashier and an Accountant-General, and Treasury to order money to be issued on the cashier for payment of annuities.

11. Cashier to give receipts for subscriptions, and pay the money he receives into the Exchequer.

12. The money paid into the Exchequer to form part of the Consolidated Fund.

13. A book to be kept in the Accountant-General's office for entering contributors' names, and a duplicate to be transmitted to the Exchequer.

14. Subscriptions paid in part, and not completed, forfeited.

15. Annuities to be deemed personal estate.

16. Accountant-General to keep books for entering transfers. Transfers not liable to stamp duties.

17. Power to Treasury to add annuities created under this act to stock of existing terminable annuities of like duration.

18. Allowance to Bank of England for the expense of management.

19. Fortifications, &c., to be executed under the direction of the Secretary of State for War.

20. Accounts to be laid before Parliament.



21. Persons counterfeiting receipts for contributions, &c., guilty of felony.

22. Bank to continue a corporation till the annuities hereby granted cease.

#### CAP. LXXXI.

An Act to amend, so far as regards Advances for the Purposes of the Harbours and Passing Tolls, &c. Act, 1861, certain of the Acts authorising the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor.

[28th July, 1863.]

Sect. 1. Public Works Loan Commissioners empowered to grant priority of security in respect of loans to harbour authorities by other persons.

2. Such priority not to give validity to any security which could not have been given if this act had not passed.

3. How priority may be granted.

4. Harbour authorities empowered to borrow money to pay off debts having priority over security for loans by Public Works Loan Commissioners.

5. Short title.

#### CAP. LXXXII.

An Act to empower the Bishops of Welsh Dioceses to facilitate the making Provision for English Services in certain Parishes in Wales.

[28th July, 1863.]

Sect. 1. *Power to bishops of Welsh dioceses to license chapels for performance of divine service in English, and nominate minister thereto.*

2. *As to cases in which incumbent refuses or fails to nominate.*

3. *Licensed building not to be a parochial chapel without assent of incumbent.*

4. *Incumbent's rights not to be affected.*

Whereas in all parishes in Wales in which Welsh is the tongue commonly spoken by the people, it is required by law that the whole divine service shall be used and said by the minister and curates throughout all Wales, within the said dioceses where the Welsh tongue is commonly used, in the British or Welsh tongue: and whereas it is expedient to authorise the performance in certain parishes in Wales of divine service, preaching, and administration of the sacraments, according to the use of the United Church of England and Ireland, in the English tongue, upon such application and subject to such conditions as are hereinafter mentioned: be it enacted &c., as follows:—

Sect. 1. That wherever any ten or more inhabitants in any parish, district, or place in Wales shall certify in writing to the bishop of the diocese within which such parish, district, or place is situate, that they are desirous of having divine service performed and the sacraments administered in the English language, and that they, or some of them, will undertake to provide a building to be used as a chapel for the performance of the divine service in the English tongue, and to provide for a spiritual person who may officiate therein, and for all other expenses incident thereto, and shall apply to such bishop to give the necessary licenses for the purposes aforesaid, it shall be lawful for such bishop, if it shall appear to him that sufficient provision is not already made for such English service, on the nomination by the incumbent of the said parish, district, or place of a fit and proper person as minister to such chapel, to license from year to year, or for any term not exceeding two years, such building in any part of such parish, district, or place as a chapel for the performance of divine service, preaching, and administration of the sacraments, according to the use of the United Church of England and Ireland, in the English tongue, and to license such minister to perform such of the said services and offices as may be specified in the said license.

2. Provided, however, that in case the said incumbent shall fail or refuse to nominate a fit and proper person as minister to such chapel, or in case any disagreement or dispute shall arise between the persons so applying and the incumbent, either in respect of the sufficiency of the said services, or of the provision for the performance of such services, or for the minister, or in respect of the competency of the minister to be nominated, then the bishop of such diocese (after the expiration of three calendar months from the receipt of

such application as aforesaid, due notice of such application having been given by the persons so applying to the incumbent) may signify in writing to the incumbent the name of the minister whom it is his intention to nominate as the officiating minister of such chapel; and in case the incumbent shall not, within fourteen days from such last notification, signify in writing his dissent to such nomination, it shall be lawful for the bishop to nominate and license such minister: provided, nevertheless, that in case the incumbent shall, within the same fourteen days, signify his dissent therefrom, such nomination shall be referred by the said bishop to the archbishop of the province in which such diocese shall be situated, and such license shall not be granted without the approval in writing of the said archbishop.

3. The said licensed building shall not, without the assent of the incumbent, be, nor be held to be, a parochial chapel; and nothing contained in this act shall give the minister of the said licensed building any power or authority to perform any pastoral or ministerial functions other than are specified in the said license.

4. Nothing herein contained shall affect the right of the incumbent of the said parish, district, or place in which the said licensed building shall be situated in respect of the publication of banns, or the solemnisation of marriages, or the performance of burials, or his right to any offertory, or any fees, dues, or emoluments to which he may be at the passing of this act legally entitled.

#### CAP. LXXXIII.

An Act to define the Boundaries of the Colony of British Columbia, and to continue an Act to provide for the Government of the said Colony.

[28th July, 1863.]

Sect. 1. Sect. 1 of recited act repealed.

2. Remaining sections of recited act continued.

3. Boundaries of British Columbia.

#### CAP. LXXXIV.

An Act to confirm certain Acts of Colonial Legislatures.

[28th July, 1863.]

Sect. 1. *As to terms "colonial legislature" and "governor."*

2. *Confirmation of certain acts of colonial legislatures.*

Whereas doubts are entertained respecting the validity of divers acts passed by the Legislature of South Australia for the purpose of altering the constitution of the Legislative Council and House of Assembly of the said colony, and respecting the power of colonial legislatures to make laws for the above purpose; and it is expedient to remove such doubts: be it therefore enacted &c. as follows:—

Sect. 1. In this act of Parliament the term "colonial legislature" shall mean the authority (other than her Majesty in Council) competent to make laws for any of her Majesty's possessions abroad, except India, the Channel Islands, and the Isle of Man:

The term "governor" shall mean the officer lawfully administering the government of any colony.

2. All laws heretofore passed or purporting to have been passed by any colonial legislature with the object of declaring or altering the constitution of such legislature, or of any branch thereof, or the mode of appointing or electing the members of the same, shall have and be deemed to have had, from the date at which the same shall have received the assent of her Majesty, or of the governor of the colony on behalf of her Majesty, the same force and effect for all purposes whatever as if the said legislature had possessed full powers of enacting laws for the objects aforesaid, and as if all formalities and conditions by act of Parliament or otherwise prescribed in respect of the passing of such laws had been duly observed.

#### CAP. LXXXV.

An Act to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings in Scotland.

[28th July, 1863.]

Sect. 1. Persons refusing from conscientious motives to be sworn in criminal proceedings in Scotland, to be permitted to make a solemn affirmation or declaration.

2. Penalty for making false affirmation.

3. Short title.

CAP. LXXXVI.

An Act to authorise the taking of Harbour Dues at Port Erin, in the Isle of Man, in order to provide a Fund for the Improvement of the Harbour; and for other Purposes.  
[28th July, 1863.]

CAP. LXXXVII.

An Act to consolidate and amend the Laws relating to Savings Banks.  
[28th July, 1863.]

Sect. 1. After 20th November, 1863, the acts, and parts of acts, specified in schedule to this act, marked A., repealed. Not to invalidate appointments, &c., under former acts. Proviso as to certain savings banks in Scotland established under the 59 Geo. 3. c. 69.

2. What institutions shall be entitled to the privileges and benefits of this act. No new banks to be formed unless approved by Commissioners of National Debt.
3. Rules of savings bank to be entered in a book, and to be open to the inspection of depositors. Not to prevent alterations of rules. Alterations to be entered in like manner.
4. Two written or printed copies of rules, &c., to be submitted to barrister for his certificate. Fee payable to barrister. Barrister to return one copy to savings banks and transmit the other copy to commissioners.
5. As to title of savings banks certified under this act. Penalty on using or adopting titles of other banks.
6. No savings bank, subject to proviso hereinafter contained with respect to branch offices, &c., shall have benefit of this act unless in rules, &c., it shall be expressly provided as herein specified. Proviso with respect to branch offices and local receivers of banks.
7. Weekly returns to be made by savings banks to the commissioners.
8. Treasurer and other officers intrusted with receipt or custody of money to give security.
9. Punishment of actuary, &c., receiving deposits, and not paying over same to managers, &c.
10. Effects of savings bank vested in trustees for the time being.
11. Liability of trustees, &c.
12. Power to trustees and managers of savings banks in Ireland to limit such responsibility.
13. Treasurer and trustees, &c., to account and deliver up effects when required.
14. Executors, &c., of officers of savings banks to pay money due to savings banks before any other debts.
15. Trustees of savings banks shall invest all money in the Banks of England or Ireland, and not in any other security. Not to prevent depositors withdrawing their money from savings banks for investment in other securities. Trustees empowered to pay into the Banks of England or Ireland any sum not less than 50*l.* to the account of the Commissioners for the Reduction of the National Debt. Previous to payments an order of two trustees to be produced.
16. Not to prevent trustees from receiving money to be applied in any other manner.
17. Central banks may invest the money of branch banks.
18. Penalties on false declaration to obtain receipts.
19. How monies paid in on savings banks account are to be invested by commissioners.
20. Quorum of commissioners.
21. On payment of money into the Bank to the account of National Debt Commissioners, their officer shall give a receipt for the same, carrying interest at 3*l.* 6*s.* per cent. per annum.
22. Interest due on money mentioned in receipt to be calculated half-yearly up to 20th November and 20th May, and carried to account of savings bank as additional principal. No interest to be allowed on any fractional part of a pound.

23. Interest arising to depositors may be calculated yearly, or twice a year, and carried to their credit as principal. Interest to depositors not to exceed 3*l.* 0*s.* 10*d.* per cent. per annum.
24. Before drawing for money trustees shall sign appointment of agent to receive the same, which appointment shall be deposited with commissioners. Appointments may be revoked and others granted from time to time.
25. Trustees may draw for the whole or any part of any sum placed to their account by drafts on commissioners, which shall be indorsed by their officer, and paid with the interest added thereto by cashiers of the Bank.
26. Draft exceeding 5000*l.* to be signed by four trustees, and attested by separate witnesses. Draft for 10,000*l.* not to be paid until after fourteen days.
27. Officer not to issue in any one day orders for more than 10,000*l.* for the same bank.
28. Trustees appearing in person may receive payments of drafts instead of their agents. Such receipt of money by trustees in person not to affect any previous appointment of agents.
29. From 20th November, 1863, surplus to be paid over to Commissioners for Reduction of National Debt. Trustees of savings banks may, upon a certificate, draw on such surplus fund for the purposes of the savings banks.
30. How deposits of minors may be made and paid.
31. How deposits by married women may be made and paid.
32. How funds of charitable societies, &c., and penny savings banks, may be invested.
33. How friendly societies duly enrolled &c. may invest.
34. Receipt of trustees, &c. of any charitable society, penny savings bank, or friendly society, deemed sufficient discharge.
35. Members of friendly or charitable societies, or penny savings banks, not liable to disability in those societies by subscribing to any savings bank under this act. Proviso for depositors belonging to societies, &c.
36. No sum to be subscribed without the name and profession, &c. of the depositor.
37. Persons allowed to deposit as trustees on behalf of others. How repayment on trust accounts is to be made.
38. Depositors in one savings bank shall not deposit in any other savings bank. Declaration to be made at the time of deposit. Penalty on false declaration, forfeiture of deposit to the sinking fund. Declarations shall be filed, and notices thereof, and of the penalty attached thereto, to be placed in deposit book.
39. Trustees not to receive from any one depositor more than 30*l.* in any one year, nor more than 150*l.* in the whole. When deposit and interest amount to 200*l.*, interest to cease. Not to affect deposits of 200*l.* on the 28th July, 1828. Depositors not prevented from becoming new depositors.
40. How depositors may transfer their deposits to any other savings bank.
41. Depositor dying leaving any sum exceeding 50*l.*, the same not to be paid until after administration. No duty to be paid on probate when the estate is under 50*l.* Certificate of amount and value of depositor's interest to be produced on claiming probate, &c.
42. Administration bonds, &c. for effects under 50*l.* exempted from stamp duty.
43. When deposits and interest do not exceed 50*l.*, exclusive of interest, if will, &c. not proved within a month, money may be paid to widow or to party entitled to effects of deceased.
44. Payment to persons appearing to be the next of kin declared valid. Remedy for next of kin.
45. Payments under probates of will, &c. appearing to be in force shall be valid.
46. Payment on death of depositor being illegitimate and intestate.

47. *Adaptation of the provisions of this act to the law of Scotland.*
48. *Settlement of disputes.*
49. *On reference, barrister may inspect books and administer oath to witnesses.*
50. *Powers of attorney given by trustees or depositors, and other documents, not liable to stamp duty.*
51. *Appointment of auditors in Ireland.*
52. *Depositor's book in Ireland to contain copy of rules. Duplicate copy to be exhibited in the office.*
53. *Rules in Ireland to provide for production and inspection of books.*
54. *Commissioners may close accounts with savings banks in Ireland in certain cases; and re-open them if they think fit.*
55. *Trustees of savings banks shall make up annually accounts of their progress, &c., and transmit the same to the Commissioners for Reduction of the National Debt. If trustees neglect to transmit such accounts, or to obey any orders given pursuant to this act, commissioners may close their accounts, &c.*
56. *If annual returns are not made, name of savings banks neglecting to be published in Gazette, &c.*
57. *Statement of expenses may be required from trustees or managers.*
58. *When money is in the hands of a treasurer, &c., his certificate to accompany the statement.*
59. *A duplicate of such account shall be affixed in the office of the savings bank.*
60. *What accounts shall be made by the National Debt Commissioners to the Commissioners of her Majesty's Treasury, and laid before Parliament.*
61. *A distinct account to be shewn in parliamentary returns of separate surplus funds of savings banks in hands of commissioners.*
62. *Savings banks shall compute interest on 20th May and 20th November, half-yearly or yearly.*
63. *Commissioners for the Reduction of the National Debt may keep a balance in the Bank of Ireland for drafts which may be drawn on account of savings banks there.*
64. *Receipts, &c. shall be in the form approved by commissioners.*
65. *Indemnity to commissioners and Banks of England and Ireland.*
66. *Power to commissioners to appoint and employ barrister, clerks, &c. Power to Treasury to pay them, and discharge incidental expenses.*
67. *Act to extend to all savings banks in Great Britain and Ireland.*
68. *Act not to affect post-office savings banks, or powers of Commissioners for Reduction of National Debt.*

Whereas numerous banks for savings have been established under the authority of the acts now in force for the safe custody and increase of small savings: and whereas it is expedient to amend such laws, and to consolidate the same in one act: be it therefore enacted &c., as follows:—

SECT. 1. That the acts and parts of acts set forth in the schedule to this act marked A., to the extent to which they are herein expressed, and all other acts and parts of acts which are inconsistent with this act, relating to savings banks established under such acts, are repealed from and after the 20th November, 1863, except in so far as is provided by the last section of this act: provided nevertheless, that nothing herein contained shall invalidate or annul any payments, receipts, or appointments made, or proceedings had, or bonds or securities taken or entered into, or drafts, powers of attorney, certificates, orders, or other instruments whatsoever executed, under the authority of any of the said acts or parts of acts hereby repealed: provided also, that the provisions of an act passed in the 59 Geo. 3 [c. 62], intitled "An Act for the Protection of Banks for Savings in Scotland," shall continue in force as to all savings banks established under it before the passing of this act, unless and until they shall conform to and be established under the provisions of this act.

2. And whereas it is expedient to give protection to such savings banks already established as aforesaid, and the funds

thereof, and to afford encouragement to the formation and establishment of like institutions: be it therefore enacted, that if any number of persons have formed, or shall form, any society in any part of the United Kingdom of Great Britain and Ireland, for the purpose of establishing and maintaining any institution in the nature of a bank to receive deposits of money for the benefit of the persons depositing the same, to accumulate the produce of so much thereof as shall not be required by the depositors, their executors or administrators, at compound interest, and to return the whole or any part of such deposit, and the produce thereof, to the depositors, their executors or administrators (deducting out of such produce so much as shall be required for the necessary expenses attending the management of such institution), but deriving no benefit whatsoever from any such deposit, or the produce thereof, and shall be desirous of having the benefit of the provisions of this act, such persons shall cause the rules and regulations established, or to be established, for the management of such institution to be entered, deposited, and filed, in manner hereinafter directed, and thereupon shall be deemed to be entitled to, and shall have the benefit of, the provisions contained in this act: provided always, that the privilege of paying money into the Banks of England or Ireland, and of receiving receipts for the same, shall be, and the same is hereby declared to be, extended to all such savings banks as may have formed, or may hereafter form, their rules and regulations according to the provisions of this act; and it shall and may be lawful for the trustees of such savings banks respectively to invest any funds already accumulated by such savings banks, and which shall not have been invested at the time of the passing of this act, and to receive receipts for the same, in manner authorised by this act: provided nevertheless, that no such savings bank to be hereafter formed shall have or be entitled to the benefits of the provisions in this act contained, unless the formation of the same shall have been sanctioned and approved of by the Commissioners for the Reduction of the National Debt, or, on their behalf, by the comptroller-general or assistant comptroller acting under the said commissioners.

3. No such savings bank as aforesaid shall have the benefit of this act unless the rules and regulations for the management thereof shall be entered in a book or books to be kept by an officer of such savings bank to be appointed for that purpose, and which book or books shall be open at all reasonable times for the inspection of the persons making deposits in the funds of such savings bank. But, nevertheless, nothing herein contained shall extend to prevent any alteration in or amendment of any such rules or regulations, or repealing or annulling the same or any of them in the whole or in part, or making any new rules or regulations for the management of such savings bank in such manner as by the rules and regulations of such savings bank shall from time to time be provided; but such new rules or regulations, or such alterations in or amendments of former rules or regulations, or any order annulling or repealing any former rule or regulation in the whole or in part, shall not be in force until the same respectively shall be entered in such book or books as aforesaid.

4. Two written or printed copies of all rules or alterations of rules made for the management of any savings bank requiring the benefits of this act, signed by two trustees, shall with all convenient speed after the same shall be made, altered, or amended, and so from time to time after every making, altering, or amending thereof, be submitted by the trustees and managers for the time being of such savings bank to the barrister-at-law appointed by the Commissioners for the Reduction of the National Debt, for the purpose of ascertaining whether the said rules, or alterations or amendments thereof, are in conformity to law and with the provisions of this act; and the said barrister shall give a certificate on each of the said written or printed copies that the same are in conformity to law, or point out in what part or parts the said rules, alterations, or amendments are repugnant thereto; and the fee to be paid to such barrister for perusing the rules, alterations, or amendments of the rules of such savings bank, and giving such certificate as aforesaid, shall not at any one time exceed the sum of one guinea; and one of such written or printed copies, when certified by the said barrister, shall be returned to the trustees of the said savings bank, and the other of such written or printed copies shall be transmitted by such barrister to the Commissioners for

the Reduction of the National Debt; and all rules, alterations, and amendments thereof from the time when the same shall have been certified by the said barrister shall be binding on the trustees, managers, and officers of the said savings bank and the depositors therein, and their representatives, and the copy of such rules deposited with the said commissioners, or a true copy thereof examined with the original and proved to be a true copy, shall be received as evidence of such rules respectively in all cases, and no certiorari shall be brought or allowed to remove any such rules into any of her Majesty's courts of record; provided that nothing herein contained shall be construed to require any rule making any alteration in the days or hours of attendance at any such savings bank as aforesaid to be laid before such barrister.

5. Every savings bank established or to be established under the provisions of the said hereby repealed acts or this act shall be certified under the provisions of this act by the title of "savings bank certified under the act of 1863;" and if any other bank, association, or company, or any other person, shall use or adopt such title as their or his designation, or in carrying on business, the members of every such association or company, or any of them, or any such person respectively, shall be guilty of a misdemeanour, and on conviction thereof shall be punishable accordingly.

6. No savings bank, subject to the proviso hereinafter contained with respect to the branch offices or local receivers of any savings bank, shall have the benefit of this act unless in the rules and regulations for the management thereof it shall be expressly provided—

(1). That no person or persons being treasurer, trustee, or manager of such savings bank, or having any control in the management thereof, shall derive any benefit from any deposit made in such savings bank, save only and except such salaries and allowances or other necessary expenses as shall according to such rules and regulations be provided for the charges of managing such savings bank, and for remuneration to officers employed in the management thereof, exclusive of the treasurer or treasurers, trustee or trustees, manager or managers, or other persons having direction in the management of such savings bank, who shall not directly or indirectly have any salary, allowance, profit, or benefit whatsoever therefrom beyond their actual expenses for the purposes of such savings bank:

(2). That not less than two persons, being either trustees, managers, or paid officers appointed for that specific purpose, and where two only, except in the case of savings banks which are open for more than six hours in every week, one such person to be a trustee or manager, be present on all occasions of public business, and be parties to every transaction of deposit and repayment, so as to form at least a double check on every such transaction with depositors:

(3). That the depositor's pass-book shall be compared with the ledger on every transaction of repayment, and on its first production at the bank after each 20th November:

(4). That every depositor in a savings bank established under this act shall once at least in every year cause his deposit book to be produced at the office of the said savings bank for the purpose of being examined:

(5). That no money be received from or paid to depositors except at the office or branch offices where the business of the savings bank is carried on under the authority of the board of managers, and during the usual hours for public business:

(6). That a public accountant, or one or more auditors, be appointed by the trustees and managers, but not out of their own body, to examine the books of the bank, and to report in writing to the board or committee of management the result of such audit, not less than once in every half year; also to examine an extracted list of the depositors' balances made up every year to the 20th November, and to certify as to the correct amount of the liabilities and assets of the bank:

(7). That a book containing such extracted list of every depositor's balance, omitting the name, but giving the distinctive number and separate amount of each,

and shewing the aggregate number and amount of the whole, checked and certified by such public accountant or auditors, be open at any time during the hours of public business for the inspection of every depositor, as respects his own account, to examine his own deposit book therewith, and the general results of the same:

(8). That the trustees and managers, or committee of management, shall hold meetings once at least in every half year, and shall keep minutes of their proceedings in a separate book provided for that purpose:

(9). Provided, that where savings banks are established, with agents or local receivers elsewhere than at the head office, the rules shall provide for the due receipt of, and accounting for, all monies by such agents or local receivers on account of such savings banks respectively, and also for the presence of a second party in every transaction when money is paid or received, and also for the periodical examination of the depositors' books with the ledger once at least in every year.

7. The trustees and managers of every savings bank shall transmit weekly returns to the Commissioners for the Reduction of the National Debt, in such form and giving such particulars as the said commissioners may direct, shewing the amounts of the week's transactions of such savings bank, and the amount of the cash balances remaining in the hands of the treasurer, or any other person, on account of such savings bank.

8. Every treasurer, actuary, or cashier who shall be entrusted with the receipt or custody of any sum of money subscribed or deposited for the purpose of such savings bank, or any interest or dividend from time to time accruing therefrom, and every officer or other person receiving any salary or allowance for his services from the funds of any savings bank (except in the cases of supernumerary assistants employed at the periods of balancing the accounts), unless he shall already have given good and sufficient security, shall give good and sufficient security, to be approved of by not less than two trustees and three managers of such savings bank, for the just and faithful execution of such office or trust; and such security, when given by an actuary or cashier, or officer, or other person, receiving any salary or allowance for his services as aforesaid, shall be given by bond or bonds, with one or more sureties, to the Comptroller-General of the National Debt Office for the time being, without fee or reward; and in case of forfeiture, it shall be lawful for the trustees or managers for the time being of such savings bank to sue upon such bond or bonds, in the name of such Comptroller-General for the time being, and to carry on such suit at the costs and charges and for the use of the said savings bank, fully indemnifying and saving harmless such Comptroller-General from all costs and charges in respect of such suit, and such bond shall, when executed, be deposited with the Commissioners for the Reduction of the National Debt, and the said commissioners may, upon application signed by not less than two trustees and three managers, in such form as the said commissioners shall direct, deliver up to the trustees of the savings bank any such bond or bonds which may have been, or shall hereafter be, deposited with them for the purpose of being cancelled.

9. If any actuary, cashier, secretary, officer, or other person holding any situation or appointment in any savings bank shall receive any sum or sums of money from, or on account of, any depositor or person desirous of becoming such, or on account of such savings bank, and shall not forthwith, or in the case of local receivers acting on behalf of any savings bank within the time specified in the rules of the said savings bank, duly account for and pay over the same to the trustees or managers thereof, or to such person as may be directed by the rules of the said savings bank, such actuary, cashier, secretary, officer, or local receiver, or other person as aforesaid, on being convicted thereof, shall be guilty of a misdemeanour.

10. All monies, goods, chattels, and effects whatever, and all securities for money, or other obligatory instruments and evidences or muniments, and all other effects whatever, and all rights or claims belonging to, or had by, such savings bank, shall be vested in the trustee or trustees of such savings bank for the time being, for the use and benefit of such

savings bank, and the respective depositors therein, their respective executors or administrators, according to their respective claims and interests, and after the death or removal of any trustee or trustees shall vest in the succeeding trustee or trustees for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts without any assignment or conveyance whatever, and also shall, for all purposes of action or suit, as well criminal as civil, in law or in equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be, the property of the person or persons appointed to the office of trustee or trustees of such savings bank for the time being in his, her, or their proper name or names, without further description, and such person or persons shall, and they are hereby respectively authorised to, bring or defend, or cause to be brought or defended, any action, suit, or prosecution, criminal as well as civil, in law or equity, touching or concerning the property, right, or claim aforesaid, of or belonging to, or had by, such savings bank; and such person or persons so appointed shall and may, in all cases concerning the property, right, or claim aforesaid of such savings bank, sue and be sued, plead and be impleaded, in his or their proper name or names as trustee or trustees of such savings bank, without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of such person or persons, or his or their removal from the office of trustee or trustees as aforesaid; but the same shall and may be proceeded in by the succeeding trustee or trustees in the proper name or names of the person or persons commencing the same, any law, usage, or custom to the contrary notwithstanding, and such succeeding trustee or trustees shall pay or receive like costs as if the action or suit had been commenced in his or their name or names for the benefit of, or to be reimbursed from, the funds of such savings bank.

11. No trustee or manager of any savings bank (subject to the provision hereinafter contained in respect to savings banks in Ireland) shall be personally liable, except—

- (1). For monies actually received by him on account of or for the use of such savings bank, and not paid over and disposed of in the manner directed by the rules of the savings bank;
- (2). For neglect or omission in complying with the rules and regulations required by this act to be adopted as hereinbefore is provided in the maintenance of checks, the audit and examination of accounts, the holding of meetings, and keeping minutes of proceedings thereat;
- (3). And also for neglect or omission in taking security from officers, as is hereinbefore provided.

12. Any trustee or manager of a savings bank in Ireland who has declared, or shall declare, in writing under his hand deposited with the Commissioners for the Reduction of the National Debt, that he is willing to be answerable for a specific amount only, such amount being in no case less than 100*l.*, shall not be liable to make good any deficiency which may thereafter arise in the funds of such savings bank beyond the amount specified in such writing: provided always, that the trustee and manager of every savings bank in Ireland shall be personally liable for all monies actually received by him on account of, or to and for, the use of such savings bank, and not paid over and disposed of in the manner directed by the rules of the said savings bank; and an extract of this provision shall be enrolled as one of the rules of every such savings bank in Ireland, and printed and affixed in every office or place where deposits are received, with the names and places of residence of the trustees and managers for the time being, and the amount (if any) to which they have collectively or individually limited their responsibility.

13. Every person who shall have or receive any part of the monies, effects, or funds of or belonging to any savings bank availing itself of the provisions of this act, or who shall in any manner have been or shall be intrusted with the disposition, management, or custody thereof, or of any securities, books, or papers, or property relating to the same, his executors, administrators, and assigns, shall, upon demand made in pursuance of any order of not less than two trustees and three managers of such savings bank, or at any general meeting of the trustees or managers thereof, give in his or their account or accounts to the said trustees or managers, or

to such general meeting of such savings bank, or to such other person or persons as shall be nominated to receive the same, to be examined and allowed or disallowed by the said trustees or managers respectively, and shall on the like demand pay over all the monies remaining in his or their hands, and assign and transfer or deliver all securities and effects, books, papers, and property in his or their hands or custody to such person or persons as the said trustees or managers shall appoint; and in case of any neglect or refusal to deliver such account, or to pay over such monies, or to assign, transfer, or deliver such securities, effects, funds, books, papers, or property in manner aforesaid, it shall be lawful to and for the trustee or trustees of such savings bank for the time being to exhibit a petition to the justices of the peace at their general or quarter sessions of the peace, or at any adjournment thereof, for the county, riding, division, or place wherein such savings bank shall be established, who shall and may proceed thereupon in a summary way, and make such order therein, upon hearing all parties concerned, as to such court in their discretion shall seem just, which order shall be final and conclusive, and all assignments, sales, and transfers made in pursuance of such order shall be good and effectual in law to all intents and purposes whatsoever.

14. If any person already appointed, or who may hereafter be appointed, to any office in a savings bank, and being intrusted with the keeping of the accounts, or having in his hands or possession, by virtue of his said office or employment, any monies or effects belonging to such savings bank, or any deeds or securities relating to the same, shall die, or become a bankrupt or insolvent, or have any execution or attachment or other process issued against his lands, goods, chattels, or effects, or make any assignment thereof for the benefit of his creditors, his executors, administrators, or assigns, or other persons having legal right, or the sheriff or other officer executing such process, shall, within forty days after demand made by two of the trustees of the said savings bank as aforesaid, deliver and pay over all monies and other things belonging to such savings bank to such person as the said trustees shall appoint, and shall pay, out of the estates, assets, or effects of such person, all sums of money remaining due, which such person received by virtue of his said office or employment, before any other of his debts are paid or satisfied, or before the money directed to be levied by such process as aforesaid is paid over to the party issuing such process, and all such assets, lands, goods, chattels, estates, and effects, shall be bound to the payment and discharge thereof accordingly.

15. The several sums of money belonging to any savings bank which the trustees of such savings bank respectively are authorised to invest under this act, or under any rules or regulations of any such savings banks, shall, except as hereinafter is excepted, be paid into and invested in the Bank of England or the Bank of Ireland, as the case may require, in the names of the Commissioners for the Reduction of the National Debt, according to the provisions of this act enabling such trustees to make investments in the names of the said commissioners; and no such sum or sums shall be paid or laid out by the trustees of such savings bank in any other manner, or upon any other security whatever, except as aforesaid, and except such sums of money as from time to time shall necessarily remain in the hands of the treasurer or treasurers of such savings bank to answer the exigencies thereof: provided always, that nothing herein contained shall restrain or prevent any depositor, or any trustee or trustees acting on behalf of any depositor or depositors of any friendly society, or any charitable or provident institution or society, or penny savings bank, from withdrawing from any such savings bank any sum or sums of money which shall have been deposited by such depositor, friendly society, charitable or provident institution or society, or penny savings bank, and investing the same in any other securities: provided always, that the trustees of any savings bank already established, or which shall take the benefit of this act in manner hereinbefore provided, shall be and they are hereby empowered to pay into the Bank of England or Ireland (as the case may be) any sum or sums of money, not being less than 50*l.*, to the account of the Commissioners for the Reduction of the National Debt, upon the declaration of the trustees of such savings bank, or any two or more of them, that such monies belong exclusively to the savings bank for which such payment is intended to be made, whether such monies shall

have been deposited therein before the passing of this act or thereafter shall be deposited therein; and the cashier or cashiers of the Banks of England and Ireland respectively are hereby required to receive all such monies, and to place the same into the account raised, in the names of the said commissioners, in the books of the Banks of England and Ireland respectively, denominated "The Fund for the Banks for Savings;" provided nevertheless, that previous to any payment being made into the Banks of England or Ireland as aforesaid, the person or persons applying for that purpose shall in all cases produce to the officer of the said commissioners, at their office in London or Dublin (as the case may be), an order, under the hands of two of the trustees of such savings bank, on the account of which such payment is to be made.

16. Nothing in this act contained shall extend to prevent the trustees of any savings bank, already established or to be established, receiving any sum or sums of money from any depositor for any purpose, except to be paid into the Bank to the account of the Commissioners for Reduction of the National Debt; and it shall be lawful for such trustees to apply any such sum or sums of money in any other manner, for the benefit of the several depositors, according to the rules and regulations of such savings banks respectively, anything in the said hereby repealed acts or in this act contained to the contrary notwithstanding.

17. In cases where any savings banks have been or shall be established in any town or place, and other smaller banks have been or shall be established in the neighbourhood of such town or place as branch banks thereof, and such branch banks, by their treasurers, have paid or shall pay any sums into the bank in any such town or place as a central bank, it shall and may be lawful for the said trustees of any such central bank, or any two of them, to pay into the Bank of England or Ireland, in manner prescribed by this act, along with the monies belonging to such central bank, any sum or sums of money belonging to and on account of any such branch bank: provided always, that the treasurer of such branch banks shall certify to the treasurer of such central bank, that the amount contributed by any one depositor in any such branch bank in any one year does not exceed the limit of deposits authorised by this act.

18. If any order or declaration produced to the said officer for the purpose of paying monies into the Banks of England or Ireland to the account of the said commissioners as aforesaid shall contain any matter or thing which be false or untrue, then and in every such case the sum so paid shall be forfeited to the said commissioners.

19. The said commissioners shall cause all the monies paid into the Banks of England and Ireland respectively, and placed to their account in pursuance of the provisions of this act, to be invested from time to time in their names and to be carried to the account hereinbefore provided, under such regulations as the said commissioners shall direct, in the purchase of Bank Annuities or Exchequer Bills or parliamentary securities of whatsoever kind, created or issued, or which may hereafter be created or issued, under the authority of any act or acts of Parliament, for the interest on which provision is made by Parliament, or any stock or debenture or other securities expressly guaranteed by authority of Parliament, and the interest which shall from time to time arise and become due thereon shall in like manner be invested in the purchase of such Government Annuities or Exchequer Bills or securities aforesaid.

20. It shall be lawful for any three or more of the Commissioners for the Reduction of the National Debt for the time being to execute and do all matters and things which the said commissioners are required or empowered to do in the execution of this act.

21. From and after the 20th November, 1863, all receipts issued prior to that day to the trustees of savings banks established under the said hereby repealed acts by the Commissioners for the Reduction of the National Debt shall carry interest at the rate of 3l. 5s. per centum per annum; and from and after the said 20th November, 1863, upon the payment of any sum or sums of money into the Banks of England or Ireland to the account of the said commissioners by the trustees of any savings bank established under the said hereby repealed acts or this act, it shall be lawful for the officer or officers of the said commissioners in that behalf, and he and they is and are hereby authorised and empowered to issue,

upon every such payment being made, a receipt, signed by one of the cashiers of the Governor and Company of the Bank of England or Ireland, as the case may be, for the amount of such payment, carrying interest at the like rate of 3l. 5s. per centum per annum from the day of such payment inclusive, payable with the principal at the Banks of England and Ireland respectively whenever the same shall be required or drawn for in manner directed by this act, and such receipt shall be dated on the day on which the payment of any such sum or sums of money shall be made respectively, and every such receipt shall be in such form as shall be from time to time directed by the said commissioners, and the principal and interest of all sums mentioned in any receipt shall be charged and chargeable upon, and the same are hereby charged and made payable out of, all or any monies standing in any account in the names of the said commissioners, or out of any monies produced by the sale of any stock, or annuities, funds, or Exchequer Bills or other securities standing in their names in the books of the Banks of England and Ireland respectively, as the said commissioners shall from time to time direct: provided always, that no fractional part less than one penny shall be allowed or paid as interest upon the principal sum contained in any receipt issued under the provisions of this act.

22. All interest which shall become due and payable upon any sum of money mentioned in any such receipt upon the 20th November and the 20th May in every year next after the date of any such receipt shall be from time to time calculated and computed by the officer of the said commissioners, and shall in each and every year be placed to the credit of the savings bank on whose account any such sum of money was paid within six weeks from such 20th November and 20th May respectively, and shall be carried to and written on the account of such savings bank, and shall become principal, and shall from thenceforth carry interest as principal money paid into the said Bank of England or Ireland, as the case may be, on the account of such savings bank; and a receipt according to such form as the said commissioners shall approve shall be signed by the officer of the said commissioners, and shall be issuable by the said officer half-yearly within sixty days from and after such 20th November and 20th May respectively (and such receipts shall bear date the 21st November and the 21st May respectively), for the amount of such interest so credited and made principal as aforesaid as if the amount thereof had been a payment made by the trustees of such savings bank to the account of the said commissioners: provided always, that no interest shall be computed or calculated on any fractional part of a pound of the half-yearly balance standing in the books of the said commissioners on account of any savings bank on any 20th November or the 20th May respectively.

23. It shall be lawful for the trustees and managers of any such savings bank, if they shall so think fit, to direct that all interest which shall be payable to the depositors in such savings bank shall yearly, or twice in each and every year, be calculated and computed by the trustees of such savings bank, or such person or persons as they shall appoint, and shall be carried to the credit of such depositors respectively, and shall become principal, and shall from thenceforth carry interest in all respects as other principal money deposited in the said banks, or as if the said sum of interest so credited to the said depositors respectively had actually been paid to the said depositors, and by them repaid to the said trustees and managers, any law, statute, or usage to the contrary notwithstanding: provided always, that from and after the 20th November, 1863, the interest payable to depositors by the trustees and managers of any savings banks shall not exceed the rate of 3l. 0s. 10d. per cent. per annum.

24. Before trustees of any savings bank shall make any order or draft for payment by the said commissioners of any sum or sums of money under this act, the trustees of such savings bank shall make, give, sign, and execute an appointment under the hands and seals of not less than two of such trustees, and the execution of which shall be attested by two managers of the same savings bank, empowering and authorising some person or persons named in such appointment to be agent or agents for receiving all and every such sum and sums of money as such trustees shall from time to time require to be paid by such commissioners, and every such appointment shall be produced by or on behalf of the person or persons named therein to the officer of the said



commissioners fourteen days at least before the payment of any sum or sums of money on account of such savings bank; and such appointment shall remain deposited in the office of the said commissioners; and every such appointment shall be made in such form and under such regulations as shall from time to time be directed, or required, or approved of by the said commissioners or their officer: provided always, that it shall be lawful for the trustees of any savings bank by whom any such appointment shall be made, given, signed, and executed, or for the survivors or survivor of such trustees, to revoke such appointment by any certificate or other instrument under the hands and seals or hand and seal of such trustees or trustee attested by two managers of such savings bank, and in such form and under such regulations as shall be directed, or required, or approved of by the said commissioners or their officer; and in case of the decease of every such trustee except one it shall be lawful for the surviving trustee, together with any other trustee or trustees, being not less than two, of the said savings bank, and in case of the decease of all such trustees, or in case all such trustees shall decline or refuse to act, it shall be lawful for not less than two other trustees of the said savings bank from time to time to make, give, and execute an appointment in manner aforesaid reappointing the person or persons named in such appointment, or any other person or persons in his or their room or stead, to be the agent or agents of such trustees, and every such certificate or instrument of revocation, and every such new appointment, shall be produced to the officer of the said commissioners by the person or persons named in such new appointment fourteen days at least before the payment of any sum or sums of money to the person or persons named in such new appointment, and shall remain deposited in the office of such officer.

25. It shall be lawful for the trustees of any such savings bank from time to time (by any draft or order in writing under the hands of any two trustees of such savings bank, attested by two other trustees or managers, or by any two credible witnesses, according to such form as the said Commissioners for the Reduction of the National Debt shall from time to time direct) to require that the whole or any part of the principal sum or sums of money standing in the books of the said commissioners to the credit of the trustees of such savings bank shall be paid to such person or persons as such trustees shall from time to time require, being the agent or agents named in some appointment executed under this act, or the said hereby repealed acts, and lodged with the officers of the said commissioners as hereinbefore mentioned and then remaining in force, and every such draft or order shall be addressed to the said commissioners, and upon the same being produced to the officer of the said commissioners, the said officer shall, within five days after the production thereof, upon the back of such draft or order indorse and sign an order in such form as shall from time to time be directed and required by the said commissioners for the payment of the sum mentioned in the draft or order of such trustees, together with the amount of all interest due on such sum up to the day immediately preceding the day of the date of the order of such officer, and which order of such officer previously to the issuing thereof shall be entered and countersigned by the clerk or other proper officer making such entry, and shall be addressed to the cashiers of the Governor and Company of the Bank of England or Ireland, as the case may be, and such cashiers or one of them shall, upon the production of such order, pay the sum mentioned therein to the person or persons mentioned in the draft or order of the said trustees, and the signature of such person or persons, jointly or severally, shall be a sufficient discharge to the said commissioners and to the said governors and company respectively, and all payments made in pursuance of such draft or order respectively shall be deemed and taken to be payments made by the said commissioners to the trustees of such savings banks respectively according to the numerical order and priority of date in which the original receipts of money deposited on account of such savings banks respectively shall have been issued to the trustees thereof respectively in manner hereinbefore mentioned.

26. Whenever the sum to be drawn for by the trustees of any savings bank shall exceed 5000*l.*, the draft or order for that purpose shall be signed by not less than four such trustees, and the signature of each and every of the said four trustees shall be separately attested by at least one manager

of such savings bank, or some one other credible person; and any manager or other person attesting the signature of any one of the said four trustees shall not be an attesting witness to the signature of any other of such four trustees: provided also, that whenever the sum or sums drawn for by one or more drafts by the trustees of any savings bank, or by the trustees of any friendly society, shall exceed the sum of 10,000*l.*, the amount of such draft or drafts (if more than one) shall not be payable by the officer of the said commissioners until the expiration of fourteen days next after the day when the draft or drafts for such sum or sums shall be produced to the said officer.

27. Such officer shall be and he is hereby restrained from issuing any order or orders for payment as aforesaid, bearing the same date, upon any one day, on account of the same savings bank, exceeding in amount the principal sum of 10,000*l.*, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

28. In case any one or more trustee or trustees of any savings bank, who shall have made, given, signed, and executed any such appointment, shall at any time appear in person at the office of the said commissioners in England or Ireland respectively, and require payment of any sum or sums of money which might be required by the person or persons authorised to receive the same by such appointments, or if any trustee or trustees of any savings bank shall appear in person where no appointment shall have been made, and if such trustee or trustees so appearing shall produce a draft or order signed by any two or more trustees of such savings bank for any sum under 5000*l.*, or by any four or more trustees for sums exceeding 5000*l.*, no such trustee or trustees being himself or themselves a party or parties who signed such draft or order, and if the identity of the person of the trustee or trustees so appearing shall be ascertained to the satisfaction of the said commissioners or their officer, it shall be lawful for the said officer to direct payment to be made to such trustee or trustees so appearing of any sum or sums required to be paid by such order or draft, in like manner as if the person or persons authorised by such appointment to receive the same had required such payment, anything hereinbefore contained to the contrary in anywise notwithstanding: provided nevertheless, that notwithstanding the payment made to such trustees or trustee appearing in person on the appointment of such person or persons as aforesaid, the appointment shall remain in full force and virtue until revoked by the trustees, as hereinbefore mentioned.

29. In all cases where the joint stock or property of any savings bank arising from deposits made under the said hereby repealed acts or this act shall, from and after the 20th November, 1863, be increased by the interest received beyond the rate of interest payable to the depositors by the rules and regulations of such savings bank, or by any other means, the said trustees or managers of such savings bank, after deducting all such expenses as they may deem proper, shall, within six months after the 20th November in each year, ascertain, certify, and pay over to the said commissioners the amount of such increased stock and property, reserving such portion as may appear necessary to meet current expenses, and the amount of such surplus which shall be ascertained, certified, and paid over (after such deduction as aforesaid) shall be discharged from the account of such savings bank standing in the books of the said commissioners; and the said commissioners shall keep a separate and distinct account of such surplus so discharged from the account of the said savings banks respectively as aforesaid, and apply the same in such manner and under such regulations from time to time as any other monies under the provisions of this act: provided nevertheless, that it shall be lawful for the trustees or managers of the said respective savings banks, for the purposes of such savings banks respectively, to claim and receive of and from the said commissioners (who are hereby required to pay the same upon such certificate as they may appoint) all or any part of the principal monies which may have been already or may be hereafter so discharged from the account of such savings banks respectively as aforesaid under the provisions of the said hereby repealed acts or of this act.

30. In case the trustees or managers of any savings bank shall receive or shall have received any deposit of money from or for the benefit of any person under the age of twenty-

one year, it shall be lawful for the trustees or managers of such savings bank to pay such person his or her share and interest in the funds of such savings bank, and the receipt of such person shall be a sufficient discharge, notwithstanding his or her incapacity or disability in law to act for himself or herself.

31. It shall be lawful for the trustees and managers of any savings bank to pay any sum of money in respect of any deposit already made or to be made by married women, or by women who may marry after such deposit, to any such woman, unless the husband of such woman shall give to such trustees or managers notice in writing of his marriage with such woman, and shall require payment to be made to him.

32. It shall be lawful for the trustees or treasurers of any charitable or provident institution or society, or charitable donation or bequest for the maintenance, education, or benefit of the poor, or of any penny savings bank within the United Kingdom of Great Britain and Ireland, to invest, with the approval of the Commissioners for the Reduction of the National Debt or the Comptroller-General acting under them, and under such regulations as shall be prescribed by them in that respect, the funds of such institution or society, without restriction as to amount, into the funds of any savings bank established under the provisions of the said hereby repealed acts or of this act, and also without such approval of the said commissioners to invest from time to time, if the trustees and managers of such savings bank shall be willing to receive the same, any part of the funds of such institution or society or penny savings bank to the amount of 100*l.* per annum: provided in such last cases the amount of the sum to be invested by any such institution or society or penny savings bank shall not at any time exceed the sum of 300*l.* in the whole, exclusive of interest.

33. It shall be lawful for the trustees or treasurers of any friendly society legally enrolled or certified in the manner required by the acts in force relating to friendly societies to invest any sum of money the property of such society, without restriction as to amount, into the funds of any savings bank established under the provisions of the said hereby repealed acts or of this act, and which shall be willing to receive the same, under such terms and conditions as shall be specially provided for that purpose by the rules, orders, and regulations of such savings bank.

34. The receipt of the treasurer, trustee, or other officer for the time being of any such charitable or provident institution or society, penny savings bank, or friendly society, for any money paid according to the requisition of such treasurer, trustee, or other officer apparently authorised to require such payment, shall be a sufficient discharge for the same, and the savings bank paying such money, and the trustees, managers, and officers thereof, shall not be responsible for any misapplication or for any want of authority of the person or persons requiring or receiving payment of such money.

35. No person who is or shall be a member of any friendly society established or to be established under and by virtue of any act or acts relating to friendly societies, or a member of any of the charitable institutions or penny savings banks hereinbefore mentioned, shall, by reason of such person being or becoming a depositor in any savings bank taking the benefit of this act, be considered as subject or liable to any penalty, forfeiture, or disability declared, or expressed, or intended so to be, by or in the rules, orders, or regulations of such friendly society, charitable institution, or penny savings bank respectively, any rules, orders, or regulations of such friendly society, charitable institution, or penny savings bank made or hereafter to be made to the contrary notwithstanding: provided also, that no depositor shall be subject or liable to any penalty or forfeiture on account of his belonging to or being interested in the funds of any friendly society, or charitable institution, or penny savings bank deposited in the same or any other savings bank.

36. No sum shall be paid into any savings bank by any person or persons by ticket or number or otherwise, without disclosing to the trustees and managers of such savings bank his or her name, together with his or her profession, business, occupation, calling, and residence, and the trustees and managers of every savings bank are hereby required to cause the name of such depositor, together with his or her profession, business, occupation, calling, and residence, to be entered in the books of the savings bank.

37. It shall be lawful for the trustees and managers of any savings bank to receive from any person or persons acting as trustee or trustees on behalf of any depositor or depositors, whether such person or persons be or are himself or themselves a depositor or depositors in the same or any other savings bank or not, any sum or sums not exceeding the annual amount hereinafter mentioned, provided that such trustee or trustees shall make such declaration on behalf of such depositor or depositors, and subject to the like conditions as by this act is required in the case of any person or persons making any deposit on his or her own account, and all deposits made by any such trustee or trustees shall be inserted in the books of such savings bank in the joint names of such trustees or trustee, and of the person or persons in whose account such sum shall be so deposited, and the receipt and receipts of such trustee or trustees, or the survivor of them, or the executors or administrators of any sole trustee or surviving trustee, with or without the receipt of the person or persons on whose account such sum may have been deposited, shall, provided such account shall have been opened before the 9th August, 1844, be a good and valid discharge to the trustees and managers of the savings bank: provided always, that in respect to all such deposits made after the said 9th August, 1844, repayment of the same, or any part thereof, shall not be made by the trustees and managers of any savings bank without the receipt and receipts of the said trustee and the person on whose account such deposit may have been made, or the survivor or survivors, or the executors or administrators of such survivor, whose receipt and receipts, either in person, or by agent appointed by power of attorney, which power of attorney shall be valid if executed by an infant of or exceeding the age of fourteen years, shall alone be a good and valid discharge to the said trustees and managers, except in case of the insanity or imbecility of the party on whose behalf the deposit has been made, upon proof of which, to the satisfaction of the said trustees and managers, repayment may be made to the said trustee, and an abstract of the above provisions shall be enrolled as one of the rules of all savings banks.

38. It shall not be lawful for any person or persons who shall have made any deposit in, or who shall be entitled to any benefit from the funds of any savings bank (unless such benefit shall be derived solely as executor, administrator, or other personal representative of any deceased depositor in the same or any other savings bank) to make any deposit in any other account at the same or any other savings bank; and that every person desirous of making any deposit in any savings bank, shall at the time of the making of the first deposit in any savings bank, and at such other time or times as such depositor shall be required so to do by the trustees and managers of any such savings bank, make a declaration signed either by themselves, or, in case of infants under the age of seven years, by some person to be approved by the trustees and managers, or by such other person as they shall appoint, in such form as shall be directed or approved of by the commissioners or other proper officer, that the person or persons on whose behalf any such first deposit shall be required to be made is not, or are not, entitled to any deposit, or any such subsequent deposit, in, or any benefit from, the funds of any savings bank other than that into which such deposit shall be made, or any other funds in the said savings bank; and in case any such declaration shall not be true, or if any person shall at any time have or hold, or be possessed of, any deposit or funds in more than one savings bank within the United Kingdom, except as aforesaid, every such person shall, if in the opinion of the barrister-at-law such deposit was made with a fraudulent intention, forfeit and lose all right and title to any deposit in or to any funds of any and every such savings bank, and the trustees and managers of such savings bank shall, and they are hereby required in such case to, close the account of such depositor, and to cause the sum or sums so forfeited to be forthwith paid into the Bank of England or Bank of Ireland, as the case may be, to the account of the commissioners standing in the books of the Governors and Company of the said Bank respectively, under the title of "The account of the commissioners for applying certain sums of money annually to the reduction of the national debt," and the cashier or cashiers of the said governors and company respectively is and are hereby required to receive all such sums, and to place the same to the said account, to be applied in like

manner as all other money placed to the said account; and every such declaration so made shall be filed and kept and preserved by the trustees of every such savings bank, and a printed notice of such regulation and prohibition shall be affixed in the office or place appointed for the receiving of deposits of any savings bank in such form as the said commissioners, or their proper officer, shall from time to time direct, or require, or approve; and a copy of such declaration, with notice of the penalty attached thereto (if false), shall also be annexed to or printed at the beginning of the deposit book.

39. It shall not be lawful for the trustees of any savings bank to receive from any one present or future depositor, within any one year ending on the 20th November (whether any sum or sums of money had been previously withdrawn or not), any sum or sums exceeding in the whole 30*l.*, exclusive of compound interest, nor to receive from any depositor any sum or sums of money whatever which shall make the sum to which such depositor shall be entitled exceed the sum of 150*l.* in the whole, exclusive of interest as aforesaid: provided always, that, except in the cases hereinafter provided, whenever the sum or sums standing in the name of any depositor shall amount in the whole to 200*l.* principal and interest included, thenceforth no interest shall be payable on any such deposit so long as it shall continue to amount to the said sum of 200*l.*: provided also, that nothing in this act contained shall prevent, or be construed to prevent, the trustees of any savings bank from paying interest to any depositor whose deposit on the 28th July, 1828, amounted to, and has since continued to amount to or exceed, the sum of 200*l.*; nor to prevent any depositor, having closed his or her account in any savings bank, from making a deposit in the same or any other savings bank, not exceeding the limit allowed to be received in any one year from any new depositor.

40. If any depositor in any savings bank shall desire to transfer the amount of his deposit to any other savings bank, he shall, upon application at the savings bank in which his account shall be open, be furnished with a certificate stating the whole amount which may be due to him, with interest; and thereupon his account at such savings bank shall be closed, and upon delivery of such certificate to the trustees or managers of the savings bank to which it is proposed by the depositor to transfer such deposit, they shall forthwith, upon such depositor signing such declaration as is required in the case of a new depositor, open an account for the amount stated in such certificate for such depositor, and the amount stated in such certificate shall, upon such certificate being forwarded to the Commissioners for the Reduction of the National Debt, be transferred, in the books of the said commissioners, from their account with the trustees of the savings bank issuing such certificate to the credit of the said commissioners' account with the trustees of the savings bank receiving such certificate; and every such certificate for transfer, for the purpose aforesaid, shall be in such form as is set forth in the schedule hereunto annexed, marked B.

41. In case any depositor in the funds of any savings bank taking the benefit of this act shall die leaving any sum or sums of money in the said funds, or any dividends or interest due thereon, belonging to him or her at the time of his or her death, exceeding in the whole the sum of 50*l.*, the same shall not be paid to any person or persons as representative or representatives of such depositor, but upon the probate of the will of the deceased depositor, or letters of administration of his or her estate and effects: provided always, that where the whole estate or effects of any such deceased depositor, for or in respect of which any probate or letters of administration respectively shall be granted, shall not exceed the value of 50*l.*, no stamp duty shall be chargeable thereon, nor upon any legacy or residue or part thereof bequeathed, nor upon any share or part of the estate or effects to be paid or distributed by or under such probate or letters of administration: provided also, that in every such case, the person or persons claiming such probate or letters of administration free from stamp duty under this act shall, in such case, exhibit to the court or person having authority to grant the probate or letters of administration, a certificate of the amount of the principal money and interest which the deceased depositor had in the funds of the said savings bank, which certificate shall be granted in such form and manner as shall have been settled by the rules or regulations of the savings banks respectively, and shall be signed or testified by such person or per-

sons as shall be directed therein; and every such certificate shall be taken and received by the court or person having authority to grant such probate or letters of administration as evidence of the amount of the deposit and interest of the deceased depositor in the funds of the said savings bank.

42. In all cases where the whole estate and effects of any deceased depositor, for or in respect of which letters of administration shall be granted, shall not exceed the value of 50*l.* sterling, no stamp duty shall be chargeable upon the bond required to be given by the administrator for the due administration of the effects of such deceased depositor, nor upon any affidavit or document leading to or connected with such administration; but every such bond and affidavit shall be exempted from stamp duty, in like manner and under the like regulations as are provided in and by this act with respect to such letters of administration.

43. In case any depositor in any such savings bank shall die leaving any sum of money in the said savings bank belonging to him or her at the time of his or her death, not exceeding in the whole the sum of 50*l.*, exclusive of interest, and probate of the will of the deceased depositor, or letters of administration of his or her estate and effects, is not produced to the trustees and managers of the said savings bank, or if notice in writing of the existence of a will and intention to prove the same, or to take out letters of administration, is not given to the said trustees and managers within the period of one month from the death of the said depositor; and in the latter case, unless such will is proved, or letters of administration taken out, within the period of two months from the death of the said depositor, it shall be lawful for the said trustees and managers of any savings bank to pay and divide the same to or amongst any person or persons who shall appear to such trustees and managers to be the widow, or entitled to the effects of such deceased depositor, according to the Statute of Distribution, or according to the rules of the said savings bank.

44. The payment of any such sum of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin of such deceased depositor, or as the lawful representative or representatives of such depositor, against the funds of such savings bank, or against the trustees and managers thereof; but, nevertheless, such next of kin or representatives shall have remedy for recovery of such money so paid as aforesaid against the person or persons who shall have received the same.

45. Payment of any money by any such savings bank as aforesaid to any person or persons having had granted to him any letters of administration to the effects of a depositor, or probate of his will, or testamentary disposition granted by any ecclesiastical court, and appearing to be in force, shall be valid and effectual with respect to any demand of any other person or persons as the lawful representative or representatives of such depositor against the funds of such savings bank, or against the trustees and managers thereof; but, nevertheless, such lawful representative or representatives shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

46. If any depositor in any such savings bank, being illegitimate, shall die intestate, leaving any person or persons who but for the illegitimacy of such depositor would be entitled to the money due to such deceased depositor, it shall be lawful for the trustees and managers of such savings bank, with the authority in writing of the barrister appointed to certify the rules of savings banks, to pay the money due to such deceased depositor to any one or more of such persons as in their opinion would have been entitled to the same according to the Statute of Distribution if the said depositor had been legitimate; or if there be no such persons, then that it shall be lawful for the said trustees or managers, with the authority in writing of the said barrister, to pay the amount due to such deceased depositor to such person or persons as shall be approved by the Commissioners of her Majesty's Treasury, such approval to be signified to the trustees and managers of the savings bank by the Commissioners for the Reduction of the National Debt.

47. Where this act provides for payments made or to be made to any of the relations of any deceased intestate depositor according to the Statute of Distribution, the provisions thereof shall be held in Scotland to apply to payments made or to be made to persons appearing to be next of kin accord-

ing to the law of Scotland; and where this act refers to probate of the will of the deceased or letters of administration of his or her estate and effects, the said provisions shall in Scotland be held to apply to confirmation by the law of Scotland.

48. If any dispute shall arise between the trustees and managers of any savings bank and any individual depositor therein, or any executor, administrator, next of kin, or creditor or assignee of any depositor who may become bankrupt or insolvent, or any person claiming to be such executor, administrator, next of kin, creditor, or assignee, or to be entitled to any money deposited in such savings bank, then and in every such case the matter in dispute shall be referred in writing to the barrister-at-law appointed under the said hereby repealed acts or this act, who shall have power to proceed ex parte on notice in writing to the said trustees or managers left or sent through the post-office by the said barrister to the office of the said savings bank, and whatever award, order, or determination shall be made by the said barrister shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal.

49. On any such reference it shall be lawful for the said barrister and he is hereby authorised to inspect any book or books belonging to the said savings bank relating to the matter in dispute, and to administer an oath to any witness appearing before him, or to take the affirmation in cases where affirmation is allowed by law instead of oath; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

50. No power, warrant, or letter of attorney granted to or to be granted by any person or persons, or trustee or trustees of any savings bank as aforesaid, nor any power, warrant, or letter of attorney given by any depositor or depositors in the funds of any such savings bank to any other person or persons authorising him, her, or them to make any deposit or deposits of any sum or sums of money in the said funds on behalf of the said depositor or depositors, or to sign any document or instrument required by the rules or regulations of such savings bank to be signed on making such deposits, or to receive back any sum or sums of money deposited in the said funds, or the dividends or interest arising therefrom, nor any receipt nor any entry in any book or receipt for money deposited in the funds of any such savings bank, nor for any money received by any depositor, his or her executors or administrators, assigns, or attorneys, from the funds of such savings bank, nor any draft or order, nor any appointment of any agent or agents, nor any certificate or other instrument for the revocation of any such appointment, nor any surety-bond, nor any submission to, or award, order, or determination of the said barrister, nor any other instrument or document whatever required or authorised to be given, issued, signed, made, or produced in pursuance of this act, shall be subject or liable to or charged with any stamp duty or duties whatsoever.

51. The trustees of each savings bank in Ireland shall, as soon as conveniently may be after the passing of this act, and from time to time in case of a vacancy, appoint an auditor or auditors to audit the accounts of the said savings bank, as well as to examine and inspect the books of the several depositors, and the said trustees shall, immediately after such appointment, transmit the signature, name, and address of the said auditor or auditors to the Commissioners for the Reduction of the National Debt: and the trustees of every such savings bank in Ireland shall cause the annual and other statements required to be transmitted under this act to be certified and verified by the auditor or auditors appointed by the said trustees, in addition to the attestation by trustees and managers, as also required by this act, and shall also cause a certificate from the said auditor or auditors, as to the result of his or their examination of such of the depositors books as may have been produced to him or them for examination, to be transmitted with the said annual statement to the said commissioners: provided always, that it shall be lawful for the trustees of any such savings bank in Ireland to agree with the trustees of any other such savings bank or banks in Ireland as to the appointment of a common auditor or auditors, and the auditor or auditors so appointed for all the said banks shall be deemed and taken, as soon as the signature, name,

and address shall have been transmitted by each such bank to the said commissioners, to be the auditor or auditors of each such bank.

52. Every depositor in every savings banks in Ireland on his first deposit shall be furnished with a deposit book, in which shall be printed at length a copy of the certified rules of the savings bank in which he shall make such deposit; and a duplicate copy of the certified rules, and of every alteration and amendment thereof, and a duplicate copy of every annual statement or account required by and furnished to the said commissioners, signed by two trustees or managers of any such savings bank, shall be from time to time exhibited in the office of such savings bank, and shall be open to the inspection of every depositor or person intending to be such.

53. The rules of every savings bank in Ireland shall specify a number of days, not less than two in every year, ending on the 20th November, in which the book of each depositor shall be produced at the office of the said savings bank for the purpose of being inspected, examined, and verified with the books of the savings bank by the auditor or auditors.

54. If it shall appear to the satisfaction of the said commissioners that the clauses of this act, or the orders, directions, and regulations of the said commissioners signified by the comptroller-general to the trustees of any savings bank in Ireland, have not been complied with by the trustees or managers of any savings bank in Ireland, it shall and may be lawful for the said commissioners, if they shall so think fit, to close the account of the said savings bank, and to discontinue the keeping any further account with the trustees thereof, and to direct that no further sum shall be received at the Bank of Ireland from the trustees of such savings bank to the account of the commissioners until such time as such commissioners shall think proper: provided always, that the said commissioners may re-open and allow the growing interest of such accounts during the time of such discontinuance, and authorise the receipt of money at the Bank of Ireland, whenever the said commissioners shall think fit so to do, upon such trustees complying with the directions of such commissioners; and the said commissioners shall forthwith publish a notification of such account being closed, or of the same being re-opened, in the Dublin Gazette, and also in some newspaper published in the county in which the said savings bank shall be established.

55. For the more effectually ascertaining from time to time the actual and progressive state of the several savings banks inrolled under the provisions of this act, the trustees and managers of every such savings bank shall annually cause a general statement of the funds of such savings bank, invested in the Bank of England or the Bank of Ireland, in the names of the Commissioners for the Reduction of the National Debt, to be prepared up to the 20th November in each year, shewing the balance or principal sum due to all the depositors collectively in such savings bank, and a statement of the expenses incurred, and stating in whose hands such balances shall then be remaining; and every such annual statement shall be attested by two managers or two trustees, or by one manager and one trustee, of such savings bank, and every such annual statement shall be countersigned by the secretary or actuary of such savings bank, and all such annual statements shall be transmitted to the office of the said Commissioners for the Reduction of the National Debt in London or Dublin (as the case may be) within nine weeks after the 20th November in each year; and in case the trustees of any such savings bank shall neglect or refuse to make out and transmit such accounts as aforesaid, or in case any such trustees shall at any time neglect or refuse to obey any orders or directions given by the said commissioners, or through their officer, pursuant to the directions of this act, it shall be lawful for the said commissioners to close the account of the trustees of such savings bank, and to discontinue the keeping any further account with the trustees of such savings bank, and to direct that no further sum shall be received at the Bank of England, or at the Bank of Ireland, from the trustees of such savings bank, to the account of the said commissioners, until such time as such commissioners shall think fit: provided always, that it may be lawful for the said commissioners to re-open such account, and to allow the growing interest of such account during the time of such discontinuance, and to authorise the receipt of money at the Bank of England or Ireland, whenever such commissioners

shall think fit to do so, upon such trustees complying with the directions of such commissioners or their officer.

56. If the annual statements directed by this act to be prepared and transmitted by the trustees of a savings bank, shall not be prepared and transmitted to the Commissioners for the Reduction of the National Debt within the time limited by this act, it shall be lawful for the said commissioners, or for the comptroller-general or assistant comptroller acting under the said commissioners, and they and he are and is hereby severally required, forthwith to publish in the London Gazette, and also in any newspapers published in the county in which the savings bank is established, the name of every such savings bank so neglecting or making default in transmitting such annual statement as aforesaid, in such form and words for the information of the depositors, and under such regulations, as the said commissioners or the said comptroller-general or assistant comptroller shall from time to time think fit.

57. It shall be lawful for the Commissioners for the Reduction of the National Debt, or the comptroller-general or assistant comptroller acting under the said commissioners, if they or he shall think fit, to require from time to time, of and from the trustees and managers of any savings bank, a detailed statement of all the expenses whatever incurred by the said trustees and managers in the management or otherwise of the said savings bank.

58. Whenever it shall appear, in any annual statement, that any sum of money or belonging to a savings bank is in the hands of any treasurer or other person, the said annual statement shall be accompanied with a certificate, signed by such treasurer or other person, that the sum of money therein mentioned is in his possession.

59. The trustees and managers of every such savings bank shall cause a duplicate of every such annual statement, accompanied by a list of the trustees and managers of such institution for the time being, attested and countersigned as aforesaid, to be publicly affixed and exhibited in some conspicuous part of the office or place where the deposits of such savings bank are usually received, for the information of all parties making deposits therein; and every such duplicate shall from time to time remain so affixed and exhibited until the ensuing annual statement shall, in like manner, be affixed and exhibited as aforesaid; and every depositor shall be entitled to receive from the said savings bank a printed copy of such annual statement on payment of one penny.

60. From and after the passing of this act, the Commissioners for the Reduction of the National Debt shall, at the close of every year ending on the 20th November, make to the Commissioners of her Majesty's Treasury the following accounts:—First, of the gross amount of all sums received and credited, including interest, and of all sums paid, including interest, from the 6th August, 1817, up to such 20th November, by the said commissioners, on account of the trustees of the several savings banks in Great Britain and Ireland, and also on account of any friendly societies in Great Britain respectively, and of the gross amount of all sums, stock, funds, annuities, and Exchequer bills, and other securities standing in the names of such commissioners on the 20th November, on account of any such savings banks or friendly societies respectively, and the sums paid for the purchase of such stocks, funds, Exchequer bills, or other securities, and the gross amount of the interest or dividends received thereon by the said commissioners, and the gross amount of the interest paid by such commissioners, up to such 20th November, on all receipts issued to the trustees of such savings banks or friendly societies in Great Britain and Ireland respectively, and also an account of all expenses incurred by the said commissioners for salaries of clerks, or other incidental charges during the preceding year; secondly, an account of the whole of the several transactions set forth in detail which shall have taken place during the course of the previous year, in the investment of all monies coming into their hands for savings banks and friendly societies, and of the variations, if any, which have taken place during such year in the securities held by the said commissioners for those institutions; and, thirdly, an account, showing the aggregate amount of the liabilities of the Government to the trustees of savings banks and friendly societies respectively, and the nature, amount, and value of the securities (taken at the price of the day) held by the said commissioners to meet the same, stating the amount of surplus or deficiency, as the

case may be, thereon; distinguishing in each of such accounts hereby required to be rendered as aforesaid the funds of savings banks from the funds of friendly societies; and copies of all such accounts shall be laid before both Houses of Parliament, not later than the 15th February, if Parliament shall be then sitting, and if not then sitting then within ten days after the next re-assembling of Parliament.

61. In every such account so to be made to the Commissioners of her Majesty's Treasury as hereinbefore is provided, a distinct account shall be shown of the aggregate amount of the separate surplus funds of all savings banks made up to such 20th November, and of the gross amount of all sums transferred to or paid out of such surplus fund in the course of the previous year, and of the balance of such account then remaining in the hands of the said commissioners.

62. For the purpose of rendering the accounts of the several savings banks in Great Britain and Ireland uniform and correspondent with the accounts of the Commissioners for the Reduction of the National Debt, the interest payable to the depositors in such savings banks in Great Britain and Ireland shall, from and after the 20th November, 1863, be computed half-yearly to the 20th May and the 20th November, or yearly to the 20th November in each year, as the case may be, and to no other periods.

63. It shall be lawful for the said Commissioners for the Reduction of the National Debt, if they shall so think fit, and they are hereby authorised and empowered, to pay into the Bank of England from time to time any sum or sums of money to be placed to their credit in account with the Governor and Company of the Bank of Ireland on account of the fund for the banks for savings, under such regulations as shall be agreed upon from time to time between the said commissioners and the said Governor and Company of the Bank of Ireland, and all sums of money so placed to the said commissioners credit as aforesaid shall be carried to the account of the said commissioners by the cashiers of the said Governor and Company of the Bank of Ireland, standing in the books of the said bank under the title of "The Funds for the Banks for Savings," and shall be subject and shall be applied to the several purposes hereinbefore mentioned, as if every such sum and sums of money had been originally paid into the Bank of Ireland to the said account under the provisions of this act.

64. All receipts, orders, certificates, indorsements, accounts, returns, or instruments, or other matters or things whatsoever which shall be required for carrying into execution this act, shall be made in such form and manner, and containing such particulars, and under such regulations as shall from time to time be directed or required or approved of by the said commissioners or their officer or officers.

65. This act shall be a full and sufficient indemnity and discharge to the Commissioners for the Reduction of the National Debt, and to the Governor and Company of the Bank of England and Bank of Ireland respectively, and their officers, for all things to be done or required or permitted to be done pursuant to this act.

66. It shall be lawful for the said Commissioners for the Reduction of the National Debt, and they are hereby authorised and empowered to appoint a barrister-at-law, and employ such and so many of the clerks and other officers as shall be necessary for carrying into execution the purposes of this act, and it shall be lawful for the Lord High Treasurer or the Commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, and he or they is or are hereby authorised and empowered, to settle and appoint such allowances as shall be proper for the services, pains, and labour of such clerks or other persons to be appointed and employed by the said commissioners in manner and for the purposes aforesaid, and out of the fund upon which the establishment of the said commissioners is chargeable by any act now in force to pay and discharge all such allowances and all other incidental charges which shall necessarily attend the execution of this act in such manner as to them shall seem just and reasonable.

67. This act shall, except as hereinafter is excepted, extend to all savings banks established or hereafter to be established in England, Scotland, or Ireland, and Berwick-upon-Tweed, and the Islands of Guernsey, Jersey, and Isle of Man.

68. This act shall not be held to repeal any of the new

existing statutes relating to savings banks in so far as relates to post-office savings banks established or to be established under the 24 Vict. c. 14, nor to repeal any of the powers and authorities now vested by those acts in the Commissioners for the Reduction of the National Debt in regard to the control, management, investment, conversion, and regulation of the funds remitted by the trustees of savings banks or by the trustees of friendly societies to the said commissioners.

### SCHEDULES.

#### SCHEDULE (A).

- 9 Geo. 4, c. 92.—An act to consolidate and amend the laws relating to savings banks.—*The whole.*
- 3 Will. 4, c. 14.—An act to enable depositors in savings banks and others to purchase Government annuities through the medium of savings banks, and to amend an act of the ninth year of his late Majesty to consolidate and amend the laws relating to savings banks.—*Sects. 21, 22, 25, 28, 29, 30, 31, 32, 33, 34, and 35.*
- 5 & 6 Will. 4, c. 57.—An act to extend to Scotland certain provisions of an act of the ninth year of his late Majesty to consolidate and amend the laws relating to savings banks, and to consolidate and amend the laws relating to savings banks in Scotland.—*The whole.*
- 7 & 8 Vict. c. 83.—An act to amend the laws relating to savings banks, and to the purchase of Government annuities through the medium of savings banks.—*The whole.*
- 11 & 12 Vict. c. 138.—An act to amend the laws relating to savings banks in Ireland.—*The whole.*
- 17 & 18 Vict. c. 50.—An act to continue an act of the twelfth year of her present Majesty for amending the laws relating to savings banks in Ireland, and to authorise friendly societies to invest the whole of their funds in savings banks.—*Sect. 2.*
- 22 & 23 Vict. c. 53.—An act to enable charitable and provident societies and penny savings banks to invest all their proceeds in savings banks.—*The whole.*
- 23 & 24 Vict. c. 137.—An act to make further provision with respect to monies received from savings banks and friendly societies.—*The whole.*

#### SCHEDULE (B).

*Form of Certificate for Transfer to another Savings Bank.*  
To be issued to any Depositor desiring to transfer his [or her] Deposits from one Savings Bank to another.  
Savings bank at —, in the county of —.

Whereas —, of —, a depositor in the above-named savings bank, is desirous of closing his [or her] account with the said bank, for the purpose of transferring his [or her] deposits to the savings bank at —, in the county of —, and to enable him [or her] so to do, the said depositor has applied for a certificate of the whole amount due to him [or her], pursuant to the act [referring to this act]; we hereby certify, that the sum due to the said depositor for money deposited by him [or her] in this savings bank, inclusive of all interest due to him [or her] to this date, amounts to the sum of [state the amount in words], of which the sum of [state the amount, if any, in words] has been deposited since the 20th November last; and we further certify, that his [or her] account with this savings bank has been closed by the issue of this certificate.

Witness our hands, this — day of —, 18—.

— { Two of the trustees or managers [appointed, for this object, by the trustees] of the above-named savings bank.

Examined —,  
Actuary or secretary of the above-named savings bank.

#### CAP. LXXXVIII.

An Act to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland.

[28th July, 1863.]

Sect. 1. Short title.

2. To apply to Ireland only.

3. Definition of terms

4. Constitution of elective drainage districts.

5. Commissioners to be a body corporate.

6. Mode of constituting elective drainage district. Powers of inspector.

7. Evidence of constitution of district.

8. Power to commissioners to extend time for completion of the works.

9. Definition of "proprietor."

10. Provision as to proprietorship by corporations and companies.

11. Provision in case of no proprietor.

12. Constitution of drainage boards.

13. Regulations as to drainage boards.

14. Rules to be observed with respect to electors of drainage boards.

15. How value is to be ascertained.

16. Mode of election of drainage boards, and proceedings thereof.

17. Certain provisions of the 10 & 11 Vict. c. 16, incorporated.

18. Power to execute the works.

19. Powers enabling drainage board to carry on works.

20. Power to purchase lands.

21. Stat. 8 & 9 Vict. c. 18, incorporated.

22. Drainage board to have same powers as a railway company.

23. Commissioners of Public Works to appoint an arbitrator on application of drainage board.

24. Power to arbitrator to call for documents and administer oaths.

25. Arbitrator to make and subscribe declaration before acting.

26. Proceedings to ascertain purchase money and compensation for injuries.

27. Provisions of stats. 14 & 15 Vict. c. 70, and 23 & 24 Vict. c. 97, as to ascertainment of claims, incorporated.

28. Assessment of compensation to millowners.

29. Provision for payment of expenses of commissioners.

30. After award, drainage board may commence the works.

31. Compensation to be ascertained as before provided.

32. Saving of existing liabilities to repair.

33. Power to drainage boards to borrow money for the purposes of this act.

34. Power to drainage boards to grant debentures to lenders for principal and interest. Form of debenture. Debentures may be transferred.

35. Drainage boards to pay off debentures on notice after period limited for such purpose.

36. Power to Commissioners of Public Works to make advances.

37. Application by memorial.

38. Commissioners to make an order for advance. Every loan to be issued by instalments.

39. On completion of works, commissioners to make award.

40. A draft of the award to be printed and published; and a copy deposited with the clerk of the peace. Notice thereof to be posted at the usual places, and inserted in newspapers, requiring persons objecting thereto to send in their objections.

41. Drainage board to furnish documents.

42. Commissioners, or one of them, to examine into objections.

43. Award to be enrolled.

44. Apportioned expenses to be charged on lands.

45. In case of non-payment of money so charged, drainage boards may enter into receipt of the rents, and mortgage the land.

46. In case of loan by the Commissioners of Public Works, they may make award.

47. A rent-charge of 6s. 10d. for every 100s. charged.

48. Priority rent-charge.

49. Charges to extend to the entire denomination of land drained.

50. Rent-charges to be paid.

51. Certain clauses in the 10 & 11 Vict. c. 32, incorporated.

52. Powers of commissioners as to summoning witnesses, &c.

53. Costs of arbitration to be deemed part of expenses.

54. Tenants paying monies on account of landlord to deduct them from rent.

55. Proprietors of less than fee-simple may charge the expenses on lands.



56. Commissioners to determine amount of increased rent to be paid for land improved.
57. Drainage boards to hold annual meetings, and fix the amount to be raised for maintenance and repairs for the ensuing year.
58. Power to drainage board to release.
59. Power to drainage board to sell lands not required.
60. Power to recover maintenance rates by civil bill.
61. Service of notices on occupiers and proprietors.
62. Notices to corporations to be left at their principal office.
63. In case of death of arbitrator, commissioners to appoint another.
64. Commissioners of Public Works may appoint an officer to inspect and report upon execution of works.
65. Costs of legal proceedings on part of drainage boards.
66. Any person swearing falsely guilty of perjury.
67. Tender of amends.
68. Saving rights of canal owners, wharfingers, &c.
69. Drainage boards not to divert rivers so as to injure harbours.
70. Power to canal commissioners to alter sewers.
71. Penalty on persons creating obstructions or nuisances.
72. Power to drainage boards to remove or alter any insufficient bridges, &c.
73. In case new bridge, &c. should confer a public benefit, a portion of the expense to be paid by the county.
74. Provision in case of a new bridge being in two counties.
75. In case grand jury refuse to present, the court to make an order.
76. Exchanges may be made of land.
77. Notices of such exchanges to be given.
78. Security to be given.
79. Provision in case of alteration of local boundary.
80. Power to drainage boards, in case mill power be improved, with owner's consent, to rate the millowner towards the expenses of the works. —

## CAP. LXXXIX.

An Act for the further Amendment of the Law relating to the Removal of poor Persons, Natives of Ireland, from England. [28th July, 1863.]

- Sect. 1. *So much of sect. 4 of the 24 & 25 Vict. c. 76, as authorises conveyances, other than in warrant, repealed.*
2. *Sect. 3 of the 8 & 9 Vict. c. 117, extended to Ireland.*
3. *Sect. 4 of the same act repealed.*
4. *Penalty imposed upon wilful desertion of pauper on the journey.*
5. *Penalty for violating sect. 6 of the 24 & 25 Vict. c. 76.*
6. *New forms of warrant supplied.*
7. *Institution of preliminary inquiry and appeal.*

Whereas it is expedient that the law for the removal of poor persons, natives of Ireland, from England, should be amended: be it enacted &c., as follows:—

Sect. 1. That so much of the fourth clause of the act of the 24 & 25 Vict. c. 76, as authorises the conveyance of any poor person to any other place than that mentioned in the warrant of removal, shall, at the expiration of one month from the date hereof, be repealed.

2. Sect. 3 of the 8 & 9 Vict. c. 117, shall be deemed to have applied and to apply to Ireland as well as to England.

3. Sect. 4 of the same act is hereby repealed.

4. Any person being employed in the execution of a warrant, duly issued under the authority of the said acts, or either of them, who shall wilfully desert any person mentioned therein, before he or she shall have been conveyed to the place of destination, shall be guilty of a misdemeanour, and upon conviction thereof shall be liable to a fine not exceeding 10*l.*, and, in default of payment, to imprisonment for a term not exceeding three months.

5. Any person guilty of violating the provision contained in the 6th section of the 24 & 25 Vict. c. 76, shall be liable to a penalty not exceeding 5*l.*, to be recovered on a summary conviction before two justices or a police or stipendiary magistrate, and the offence shall be deemed to have been committed at the port where the poor person shall be landed.

6. Instead of the forms set forth in the Schedule (C.) an-

nexed to the said act of the 8 & 9 Vict. c. 117, the forms contained in the schedule hereunto annexed, or to the like effect, shall be sufficient in regard to poor persons removed to Ireland, with such changes in the names and descriptions of persons and places as the circumstances of the case may render necessary; and except where this act makes any alteration it shall be deemed to be incorporated with acts herein referred to.

7. If the board of guardians of any union in Ireland think themselves aggrieved by the removal of any poor person, and if they forward to the Poor-law Commissioners for Ireland a statement of the grounds for concluding that such poor person is legally settled in any parish or township in England, or was not in law liable to be removed to Ireland, and if such board of guardians, or any person on their behalf, shall agree to pay all costs which may be incurred in any necessary preliminary inquiry, and in the appeal against the warrant for the removal of such poor person, such commissioners, if satisfied that it will be expedient to do so, may appoint some person to make a preliminary inquiry into the circumstances attending such removal, and after such inquiry may, if they think fit, appeal on behalf of the guardians so aggrieved to the court of quarter sessions held for the county or borough within which the parish or township from which such removal was made is situate, at any time within six months after such removal was completed; and such commissioners shall, at least twenty-one days before the holding of such sessions, send by post to the guardians or overseers on whose application such warrant was obtained notice in writing purporting to be signed by their secretary or chief clerk of their intention to appeal against such warrant, containing a statement in writing of the grounds of such appeal, and such court of quarter sessions shall hear and determine such appeal; and if the warrant of removal be reversed or declared illegal by such court, the guardians or overseers on whose application the same was obtained shall pay the costs and expenses incurred by or on account of such board of guardians, both for the preliminary inquiry and the appeal, and for the maintenance of such poor person, and for conveying such person back to the parish or township in England from which the removal was made; and if such guardians or overseers neglect or refuse to pay such costs and expenses within seven days after demand thereof, the guardians on whose behalf such appeal was made, or any person authorised by them, may recover the same as a debt in a court of law in England: provided always, that the said guardians or overseers may, at any time after such notice of appeal, send by post notice in writing under the hands of any two or more of them to the said commissioners that they abandon such warrant, and thereupon such warrant shall be of no effect; and such guardians or overseers shall pay to the guardians on whose behalf such notice of appeal was given, or to some person authorised by them, the expenses incurred by them or on their account by reason of such warrant, and of the preliminary inquiry, and of any proceedings consequent thereon, and the actual expenses and charges of maintaining such poor person, and of conveying such poor person back to such parish or township, and if they do not pay the same within seven days after demand the same may be recovered as a debt in a court of law in England: provided also, that if on the hearing of the appeal judgment shall be given against the appellants, the respondents shall be entitled to recover the costs which they have incurred in and about the appeal from such appellants.

## SCHEDULES.

## I.

FORM of WARRANT where the Removal is to be made to the Place of Birth or Residence.

To the Guardians of the Poor of the<sup>1</sup> — Union  
[or Parish], in the Count— of —.

To the Guardians of the Poor of the<sup>2</sup> — Union,  
in the Count— of —, in Ireland.

County<sup>3</sup> { At a petty session of her Majesty's justices of the  
of { peace for the county<sup>2</sup> of —, holden in and for  
— { the division of —, in the said county<sup>2</sup>, at —,  
— { on the — day of —, in the year of our Lord  
186—, before us, the undersigned, her Majesty's  
(to wit). justices of the peace for the said county<sup>2</sup>.

Whereas complaint is now made by the guardians of the poor of the — union [or parish], in the count— of —,

that <sup>4</sup> — hath become and is now chargeable to the parish <sup>5</sup> [of —, in the said union:]<sup>6</sup>

And whereas the said <sup>1</sup> —, having been brought before us, and application having been made to us, in petty sessions assembled, by <sup>2</sup> —, the <sup>7</sup> [relieving] officer of the said guardians, on their behalf, we have made due examination, on oath, and find that the said <sup>1</sup> — is of the reputed age of — years, and was born in Ireland [and last resided for the space of three years<sup>8</sup>], in the parish of —, in the county of —, now contained in the said union of <sup>3</sup> —, and hath not a settlement in England, and is not otherwise exempt from removal from the said <sup>1</sup> — union [or parish]. \* [And that he hath a wife, named —, of the reputed age of — years, and <sup>4</sup> child—, named —, of the reputed age of —, which child—<sup>9</sup> not exempt from removal from the said union [or parish]].

And we have seen the said <sup>10</sup> —† [and his said wife and child—], and are satisfied that the said <sup>10</sup> —† [and his wife and child—]<sup>9</sup>, — in such a state of health as not to be liable to suffer bodily or mental injury by the removal:

These are, therefore, to require you, the guardians of the poor of the — union [or parish], to cause the said <sup>10</sup> —, [with his family], to be safely conveyed to the said union of <sup>11</sup> —, and to be delivered at the workhouse of such union.

Given under our hands } (L. S.)  
and seals, at the ses- } (L. S.)  
sions aforesaid. } (L. S.)

#### MEMORANDUM.

Where the warrant is issued by a police magistrate, this form must be modified accordingly.

- <sup>1</sup> Insert name of the union or parish in England.
- <sup>2</sup> Insert name of the union in Ireland.
- <sup>3</sup> Riding, or division, or city, or borough.
- <sup>4</sup> Name of pauper.
- <sup>5</sup> Or township.
- <sup>6</sup> Insert name of applicant.
- <sup>7</sup> If the applicant be not a relieving officer, erase "relieving."
- <sup>8</sup> If more than one insert the number.
- <sup>9</sup> Insert *or* are.
- <sup>10</sup> Name of pauper.
- <sup>11</sup> Insert the name of the union in Ireland.

\* Erase this passage when it is inapplicable.

† Where the head of the family is a woman, or a man without a family, this passage must be modified accordingly.

*Note.*—A copy of this warrant is to be given to the person, if only one, or to the head of the family, if there be several persons about to be removed by virtue of it; and a copy is to be sent by post forthwith to the clerk of the board of guardians of the union in Ireland to which the poor person is ordered to be removed.

#### II.

FORM OF WARRANT when the Removal is to be made to some Place other than that of the Birth or Residence.

To the Guardians of the Poor of the <sup>1</sup> — Union,  
[or Parish], in the Count— of —.  
To the Guardians of the Poor of the <sup>2</sup> — Union,  
in the Count— of —, in Ireland.

County <sup>3</sup> { At a petty session of her Majesty's justices of the  
of { peace for the county <sup>4</sup> of —, holden in and for  
— { the division of —, in the said county, <sup>5</sup> at —,  
— { on the — day of —, in the year of our Lord  
(to wit). { 186—, before us, the undersigned, her Majesty's  
justices of the peace for the said county <sup>6</sup>.

Whereas complaint is now made by the guardians of the poor of the union [or parish] in the count— of —, that <sup>1</sup> — hath become and is now chargeable to the parish <sup>2</sup> — [of —, in the said union]:<sup>3</sup>

And whereas the said <sup>4</sup> — having been brought before us, and application having been made to us, in petty sessions assembled, by <sup>5</sup> —, the [relieving<sup>7</sup>] officer of the said guardians, on their behalf, we have made due examination, on oath, and find that the said <sup>4</sup> — is of the reputed age of — years, and was born in Ireland, <sup>8</sup> but we are not able, upon the evidence before us, to ascertain the place in that country of his birth, or that he hath resided for the space of three years in any place therein<sup>9</sup>, and we find that he

hath not a settlement in England, and is not otherwise exempt from removal from the said <sup>4</sup> — union [or parish]. † [And that he hath a wife named —, of the reputed age of — years, and <sup>4</sup> child— named —, of the reputed age of —, which child—<sup>9</sup> not exempt from removal from the said union [or parish]].

And we have seen the said <sup>10</sup> —† [and his said wife and child—], and are satisfied that the said <sup>10</sup> —† [and his wife and child—]<sup>9</sup> in such a state of health as not to be liable to suffer bodily or mental injury by the removal.

These are, therefore, to require you, the guardians of the poor of the <sup>1</sup> — union [or parish], to cause the said <sup>10</sup> —, [with his family] to be safely conveyed to the port of —, in the said union of <sup>11</sup> —, and to be delivered at the workhouse of the said union, <sup>12</sup> which port is in our judgment, under the circumstances of the case, most convenient.

Given under our hands } (L. S.)  
and seals, at the ses- } (L. S.)  
sions aforesaid. } (L. S.)

#### MEMORANDUM.

Where the warrant is issued by a police magistrate, this form must be modified accordingly.

- <sup>1</sup> Insert name of the union in England.
  - <sup>2</sup> Insert the name of the union in Ireland.
  - <sup>3</sup> Riding, or division, or city, or borough.
  - <sup>4</sup> Name of pauper.
  - <sup>5</sup> Or township.
  - <sup>6</sup> Insert name of applicant.
  - <sup>7</sup> If the applicant be not a relieving officer, erase "relieving."
  - <sup>8</sup> If more than one insert the number.
  - <sup>9</sup> Insert *or* are.
  - <sup>10</sup> Where the pauper hath not resided twelve months in Ireland, erase the following words, and add, "to which port, we, with the consent of the guardians of the said union of <sup>11</sup> —, think it fit that the said <sup>10</sup> — should be sent."
  - <sup>12</sup> Or erase the passage between asterisks, and add, "and has not been absent therefrom more than twelve months."
  - † Where the head of the family is a woman, or a man without family, this passage must be modified accordingly.
- Note.*—A copy of this warrant is to be given to the person, if only one, or to the head of the family, if there be several persons about to be removed by virtue of it; and a copy is to be sent by post forthwith to the clerk of the board of guardians of the union in Ireland to which the poor person is ordered to be removed.

#### CAP. XC.

An Act to provide for the Registration of Marriages in Ireland.  
[28th July, 1863.]

- Sec. 1. *Short title.*
2. *Commencement of act.*
3. *Interpretation of terms.*
4. *Act to extend to Ireland only.*
5. *Registrar-general to furnish to boards of guardians notices setting forth acts required to be done under this act.*
6. *Register books to be provided.*
7. *Registrars, under Registration of Births, &c. Act, to be registrars for purposes of this act.*
8. *Lord-lieutenant, or registrar-general with his approbation, may alter boundaries of districts.*
9. *Registrar of marriages may, subject to approval of registrar-general, appoint a deputy.*
10. *Registrars under said act to act for purposes of this act.*
11. *Provision for marriages not within provisions of the 7 & 8 Vict. c. 81.*
12. *Persons unable to write may sign by making a cross.*
13. *Particulars of certificates to be entered in register books. Correction of erroneous entries.*
14. *Certified copies of entries of marriages to be sent quarterly, and the register books, when filled, to the superintendent registrar.*
15. *Superintendent registrars to send certified copies of registers of marriages to registrar-general.*
16. *Abstract of registers to be laid annually before Parliament.*

17. *Indexes to be kept at general register office. Searches allowed, and certified copies given.*
18. *Indexes to be made at every superintendent registrar's office, and persons allowed to search them.*
19. *Persons entitled to register books.*
20. *Superintendent registrars to be paid for the certified copies sent to general register office.*
21. *Registrars to make out an account of number of marriages four times yearly.*
22. *Persons making false statements for entry on register to be subject to penalties for perjury.*
23. *Sects. 36 and 37 of the 24 & 25 Vict. c. 96, incorporated with act.*
24. *Penalty for neglect of registrar to register marriage, &c.*
25. *Penalty for omission to deliver registers to superintendent registrar or registrar-general.*
26. *Penalties how recoverable.*
27. *Not to affect law of marriage in Ireland.*

Whereas it is expedient that a system of registration of such marriages as are not within the provisions of an act of the session holden in the 7 & 8 Vict. c. 81, should be established and maintained in Ireland: be it enacted &c., as follows:—

Sect. 1. This act may be cited for all purposes as "The Registration of Marriages (Ireland) Act, 1863."

2. This act shall commence and take effect from and after the 1st January, 1864.

3. The following words and expressions in this act shall have the meanings hereby assigned to them; that is to say—

"Lord-lieutenant" shall mean the lord-lieutenant or other chief governor or governors of Ireland:

"General search" shall mean a search during any number of successive days, not exceeding six, without stating the object of search:

"Particular search" shall mean a search over any period not exceeding five years for any given register of marriage.

4. This act shall extend to Ireland only.

5. The registrar-general of marriages appointed under the provisions of the said first-recited act shall, in sufficient time before the 31st December, 1863, furnish to the guardians of every union printed notices, which the said guardians shall, on or before the said 31st December, cause to be fixed or placed on the outside of the several church and chapel doors, or other public and conspicuous buildings or places within their respective unions, and which said notices shall specify the several acts required to be done for the purpose of registering any marriage under the provisions of this act.

6. The registrar-general shall cause to be provided such number of register books and forms as shall be necessary to the execution of this act; and the said register books shall be of durable materials, and in them shall be printed on each side of every leaf the heads of information herein required to be known and registered in respect of marriages, and every page of each of such books shall be numbered progressively from the beginning to the end of the book, beginning with number one, and every place of entry shall be also numbered progressively from the beginning to the end of the book, beginning with number one, and every entry shall be divided from the following entry by a printed line; and the registrar-general shall furnish for the use of the registrars a sufficient number of register books of marriages and such other forms as may from time to time be required for the purposes of this act.

7. The several superintendent registrars and registrars districts which shall from time to time be made under the provisions of the Registration of Births and Deaths (Ireland) Act shall be the superintendent registrars and registrars districts for the purposes of this act.

8. The lord-lieutenant, or the registrar-general with his approbation, shall have power, from time to time as may be deemed expedient, to alter the boundaries of the districts formed under the provisions of the said recited act passed in the 7 & 8 Vict. c. 81, and to form new districts, and, in the event of any new district being so formed, to appoint fit persons to be registrars for such districts; and every such registrar shall hold his office during the pleasure of the registrar-general.

9. Every registrar of marriages, appointed under the said

recited act or this act, shall have the power, subject to the approval of the registrar-general, to appoint, by writing under his hand, a fit person to act as his deputy in case of the illness or absence of such registrar; and every such deputy registrar while so acting shall have all the powers and duties, and be subject to all the provisions and penalties, declared by the said recited act and this act concerning registrars of marriages, and, in case of the death of the registrar, shall act as registrar until another be appointed, and every registrar shall be civilly responsible for the acts and omissions of his deputy.

10. The several superintendent registrars and registrars of the several districts, and their respective deputies, appointed from time to time, and acting under the provisions of the said last-recited act, shall from time to time be the superintendent registrars and registrars of their respective districts for the purposes of this act, if they think fit to accept such office; and in the event of their refusal to act, the guardians of the union shall appoint a person, with such qualifications as the registrar-general may declare to be necessary, to be the superintendent registrar or registrar under this act; and every such superintendent registrar and registrar shall hold his office during the pleasure of the registrar-general.

11. In all cases of marriages which may be legally solemnised in Ireland, and which do not come within the provisions of the said act of the 7 & 8 Vict. c. 81, or any act amending the same, the parties about to contract any such marriage shall produce to the clergyman celebrating the marriage a certificate, according to the Form (A.) in the schedule hereunto annexed, which certificate shall be procured by the parties contracting the marriage, previous to its solemnisation, from the registrar of the district appointed under this act within which such marriage is intended to be solemnised, who shall be bound, as far as possible, without fee or reward, to fill up the said schedule, and it shall be signed by the parties contracting the marriage, and by the witnesses present thereat, not being less than two, and also by the said clergyman; and the parties contracting the marriage shall, within three days thereafter, either deliver or send by post such certificate to the registrar of marriages appointed under this act for the district wherein the marriage was solemnised; and the husband shall, in case of failure so to deliver or send such certificate, be liable in a penalty not exceeding 10*l.*, to be recovered as hereinafter provided.

12. In case of the inability to write of any person whose signature is required or necessary under this act, it shall be lawful for such person to make such signature by making a cross or other mark, which shall be made in the presence of the clergyman or two witnesses, who shall attest the same, and such mark shall be in all respects as binding and effectual as the signature of such person, if capable of writing, would have been.

13. Every registrar, on receipt of any such certificate, shall forthwith enter the particulars thereof in the register book: provided always, that if any error shall be discovered to have been committed in the entry of marriage in any register, the person discovering the same shall forthwith give information thereof to the justice or justices at the petty sessions of the district within which such marriage shall have been solemnised, or, if within the Dublin metropolitan police district, to a divisional justice or justices within the said district; and it shall be lawful for the said justice or justices, and they are hereby authorised and required, thereupon, or upon otherwise coming to the knowledge of such erroneous entry, to summon before them the person who made, and any person concerned in making, such erroneous entry, or having any knowledge regarding the same, and also any person interested in the effect of such erroneous entry, and to examine all such persons on oath; and if the said justice or justices shall be satisfied that any error has been committed in any such entry, such justice or justices shall, by authority in writing under his or their hands, direct the registrar to correct the erroneous entry; and it shall be lawful for the registrar, and he is hereby required, thereupon to correct the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry; and such marginal entry shall contain a reference to the deposition upon which the said justice or justices directed the correction to be made, and shall be dated on the day on which it is made, and signed by the parties applying for the correction and by

the registrar; and in every case the registrar shall make the like alteration in the certified copy of the register book to be made by him as hereinafter provided; provided that in case such certified copy shall have been already made, he shall make and deliver, in like manner, a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

#### Returns.

14. In the months of April, July, October, and January, on such days as shall from time to time be appointed by the registrar-general, every registrar shall make and deliver to the superintendent registrar of his district, on durable materials, a true copy, certified by him under his hand, according to the Form (B.) in the schedule to this act annexed, of all the entries of marriages made during the quarter of a year last preceding the first day of each of the several months hereinafter mentioned respectively in the register books kept by him, the first of such certified copies to be given in the month of April, 1864, and the superintendent registrar shall examine the same, and, if found to be correct, shall certify the same under his hand to be a true copy; if there shall have been no marriages registered since the delivery of the last certificate, the registrar shall certify the fact, and such certificate shall be delivered to the superintendent registrar as aforesaid, and be countersigned by him: the registrar shall keep safely the register book furnished to him, as hereinafter mentioned, until it shall be filled, and shall then deliver it to the superintendent registrar, to be kept by him with the records of his office.

15. Every superintendent registrar shall four times in every year, on such days as shall be named for the purpose by the registrar-general, send to the registrar-general all the certified copies of the registers of marriages which he shall have received from the registrars of marriages as aforesaid for the quarter of a year last preceding the first day of each of the several months hereinafter mentioned respectively in Form (B.) in the schedule to this act annexed: and the registrar-general, if it shall appear, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, shall procure, as far as possible, consistently with the provisions of this act, that the same may be remedied and supplied. The certified copies so sent to the general register office shall be thereafter kept in the said office in such order and manner as the registrar-general, under the direction of the lord-lieutenant, shall think fit, so that the same may be most readily seen and examined.

16. The registrar-general shall once in every year transmit to the lord-lieutenant a general abstract of the numbers of marriages registered during the foregoing year, in such form and at such date as the lord-lieutenant shall from time to time prescribe; and every such annual general abstract shall be laid before Parliament within one month after receipt thereof, or, if Parliament shall not be then sitting, within one month after the commencement of the next session.

17. The registrar-general shall cause indexes of all the registers herein mentioned to be made and kept in the general register office; and every person shall be entitled to search the said indexes between the hours of ten in the morning and four in the afternoon of every day, except Sundays, Christmas-day, and Good Friday, and to have a certified copy of any entry in the said registers; and for every general search of the said indexes the sum of 20s., and for every particular search the sum of 1s., and for every such certified copy the sum of 2s. 6d., shall be paid to the registrar-general or such other officer as shall be appointed to receive such fees on his account, in addition to the stamp duty of 1d. imposed by an act passed in the 23 Vict. c. 15.

18. Every superintendent registrar shall cause indexes of the register books in his office to be made and kept with the other records of his office. Every person shall be entitled, on such days and at such reasonable hours as shall be directed by the registrar-general, to search the said indexes, and to have a certified copy of any entry or entries in the said register books, under the hand and seal of the superintendent registrar, on payment of the fees hereinafter mentioned; that is to say, for every general search the sum of 5s., and for every particular search the sum of 1s., and for every certified copy the sum of 2s. 6d., in addition to the stamp duty of 1d. imposed by an act passed in the 23 Vict. c. 15.

19. Every person shall be entitled, on such days and at such reasonable hours as shall be directed by the registrar-general, to search such entries in the register books in the custody of the registrars as shall not have been included in the last preceding return made by such registrar to his superintendent registrar, and to have a certified copy of any such entry or entries, under the hand and seal of the registrar, on payment of the fees hereinafter mentioned; that is to say, for every such search the sum of 6d., and for every certified copy the sum of 2s. 6d., in addition to the stamp duty of 1d. imposed by an act passed in the 23 Vict. c. 15.

#### Fees.

20. Every superintendent registrar shall make out an account four times in every year, on such days and for such periods as shall from time to time be appointed by the registrar-general, of the number of entries in such certified copies so sent by him to the registrar-general, as provided by this act, and shall send the said account to the registrar-general. If, on examination and comparison with the certified copies of the registers or certificates received by the registrar-general, such account shall be found correct, the superintendent registrar shall be entitled to receive 2d. from the registrar-general for every entry in such certified copies of registers of marriages, which shall be charged by the registrar-general to the general expenses of his office.

21. Every registrar shall make out an account four times in each year, on such days and for such periods as shall from time to time be appointed by the registrar-general, of the number of marriages which he shall have registered in pursuance of the provisions of this act, and the superintendent registrar shall verify and sign the same. The guardians of the union in which he shall be registrar, on production of the said account, so verified and signed, shall pay to the said registrar, out of the monies in their hands or power as such guardians, at the rate of 6d. for every entry of marriage included in such account, and the same shall be charged to the union at large, and such guardians shall be and they are hereby empowered to levy off the union at large such sums so paid by them, and such sums shall be included in the rates which such guardians are by law empowered to levy and raise.

22. Every person who shall wilfully make or cause to be made, for the purpose of being inserted in any register of marriages, any false statement touching any of the particulars herein required to be known and registered, shall be subject to the same pains and penalties as if he were guilty of perjury.

23. The 36th and 37th sections of an act passed in the 24 & 25 Vict. [c. 93], intitled "An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery," shall be incorporated with and form part of this act.

24. Every registrar who shall refuse or without reasonable cause omit to fill up the certificate of marriage or register any marriage of which he shall have received a certificate, and every person having the custody of any register book or any part thereof who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding 10l. for every such offence.

25. Every person who under the provisions of this act is required to deliver the registers of marriages or copies of such registers to any superintendent registrar or to the registrar-general, and who, after duly being required to deliver such register or copies as aforesaid, shall refuse or during one calendar month neglect so to do, shall be liable for every such offence to forfeit a sum not exceeding 10l.

26. Any penalty recoverable under the provisions of this act shall be recoverable in a summary way, with respect to the police district of Dublin metropolis, subject and according to the provisions of any act regulating the powers and duties of justices of the peace for such district, or of the police of such district, and, with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of the Petty Sessions (Ireland) Act, 1851 [14 & 15 Vict. c. 93], and any act amending the same.

27. Nothing in this act contained shall affect the law of marriage in Ireland.

## SCHEDULE

## FORM (A.)

18.— MARRIAGES solemnised at the Roman Catholic chapel of —, in the registrar's district of —, in the union of —, in the county of —.

No.	When Married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	27 March, 18—.	Patrick Donovan	Of full Age.	Bachelor	Carpenter	3, South-street	Peter Donovan ..	Upholsterer.
		Mary O'Brien ..	Minor	Spinster..	—	17, High-street	Laurence O'Brien	Butcher.

Married in the Roman Catholic chapel of —, according to the rites and ceremonies of the Roman Catholic church,  
By me, [William Jackson.]

This marriage was solemnised between us, { Patrick Donovan, } in the { Dennis Donovan. }  
{ Mary O'Brien, } presence of us, { Laurence O'Brien.

## FORM (B.)

I, —, registrar of births, deaths, and marriages in the district of —, in the union of —, do hereby certify, that this is a true copy of the registrar's book of marriages within the said district, from the entry of the marriage of —, No. —, to the entry of the marriage of —, No. —.

Witness my hand, this — day of —, 18—.

—, Registrar.

[The particulars in this schedule to be entered according to the fact.]

## CAP. XCI.

An Act to extend for a further Period the Provisions of the Union Relief Aid Acts. [28th July, 1863.]

- Sect. 1. Provisions of recited acts further extended.
2. Issuing orders of Poor-law Board limited.
3. Power to Public Works Loan Commissioners to make advances not exceeding 200,000*l.* to guardians under this act.
4. Short titles.

## CAP. XCII.

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Railways. [28th July, 1863.]

- Sect. 1. Short title.
2. Division of act into parts.
3. Application of Part I, and interpretation of terms.
4. Power to alter engineering works.
5. Trains not to be shunted over level crossings.
6. Company to erect lodge at point of crossing.
7. Board of Trade may require bridge instead of level crossing.
8. Power to company to take additional land for such work.
9. Communications with other railways to be made under the direction of the engineer of those railways.
10. Company to acquire only easements in land of other railway company.
11. Not to take lands or interfere with works of other company further than necessary.
12. As to expense of signals, watchmen, &c.
13. Lights on works.
14. Construction of bridges.
15. User of bridges.
16. Access to the shore under or across the railway.
17. Prohibition of deviation of certain works without consent of Board of Trade.
18. Abatement of work abandoned or decayed.
19. Survey of works by Board of Trade.
20. Parties aggrieved by extension of time may have compensation for additional damage.
21. Existing contracts and notices to take lands not to be affected.
22. Restrictions on agreements between companies.
23. Sanction of shareholders to agreements.
24. Public notice of intention to enter into such agreement.
25. Approval of Board of Trade.
26. Joint committees for purposes of agreements.

27. Agreements between companies may be modified by Board of Trade.

28. Working agreements between a company and an individual.

29. Alteration of agreement.

30. Provision for securing equality of treatment.

31. Application of Railway and Canal Traffic Act.

32. Company empowered to make by-laws for regulating steam vessels.

33. Recovery of money by distress.

34. Several names in one warrant.

35. Provision for cesser of powers as to steam vessels, on report from Board of Trade.

36. Application of Part V.

37. Definition of cases of amalgamation.

38. Undertakings of dissolved companies vested in amalgamated company.

39. Acts relating to dissolved companies to apply to amalgamated company.

40. Saving debts and claims of dissolved companies.

41. Saving conveyances, contracts, &c.

42. Causes and rights of action reserved.

43. Actions not to abate.

44. Saving submissions and awards relating to dissolved companies.

45. Unexecuted works of dissolved companies may be completed.

46. Contracts for land entered into by dissolved companies to be executed.

47. Application of money paid into Bank or to trustees.

48. Officers of dissolved companies to be accountable for books, &c.

49. Officers of dissolved companies to be officers of amalgamated company.

50. Books, &c. to be evidence.

51. Resolutions of dissolved companies to remain in force.

52. Payment of calls.

53. Registers, books, and certificates relating to dissolved companies to subsist until replaced.

54. By-laws to remain in force.

55. General saving of rights and claims.

Whereas the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation (Scotland) Act, 1845, respectively, were passed in order to comprise in one general act such provisions relating to railways in England or Ireland, or in Scotland respectively, as were at the times of the passing of those acts usually introduced into acts of Parliament authorising the construction of railways:

And whereas sundry provisions of the like nature, but not comprised in the said general acts respectively, are now frequently introduced into acts of Parliament relating to railways, and it is expedient to comprise such last-mentioned provisions also in one general act, such act to be applicable to England or Ireland, or to Scotland, as the case may require, and that as well for the purpose of avoiding the necessity of repeating such provisions in special acts relating to railways, as for insuring greater uniformity in the provisions themselves: be it therefore enacted &c., as follows:—

Sect. 1. This act may be cited as "The Railways Clauses Act, 1863."

2. This act shall be deemed to be divided into five parts, as follows:—

- Part I relating to construction of a railway;
- Part II relating to extension of time;
- Part III relating to working agreements;
- Part IV relating to steam vessels;
- Part V relating to amalgamation.

#### PART I.—CONSTRUCTION OF A RAILWAY.

3. This part of this act shall apply to the railway authorised to be constructed by any special act hereafter passed and incorporating this part of this act.

In this part of this act—

All terms used have the same meanings as the same terms have when used in the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation (Scotland) Act, 1845, respectively:

The term "tidal river" means any part of the river within the flow and ebb of the tide at ordinary spring tides:

The term "tidal water" means any part of the sea or any part of a river within the flow and ebb of the tide at ordinary spring tides;

The term "tidal lands" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides.

The provisions respecting the recovery of penalties contained in the said Railways Clauses Consolidation Acts respectively, as the case may require, shall be incorporated with this part of this act.

#### *Alteration of Engineering Works.*

4. Notwithstanding anything in the said Railways Clauses Consolidation Acts respectively contained, the company, in the construction of the railway, may deviate from the line or level of any arch, tunnel, or viaduct, described on the deposited plans or sections, so as the deviation be made within the limits of deviation shewn on those plans, and subject to the limitations contained in sects. 11, 12, and 15 of those acts respectively, and so as the nature of the work described be not altered, and may also substitute any engineering work not shewn on the deposited plans or sections, for an arch, tunnel, or viaduct, as shewn thereon; provided that every such substitution be authorised by a certificate of the Board of Trade; and the Board of Trade may grant such certificate in case it appears to them, on due inquiry, that the company has acted in the matter with good faith, and that the owners, lessees, and occupiers of the lands in which the substitution is intended to be made consent thereto, and also that the safety and convenience of the public will not be diminished thereby.

Provided that nothing in the present section shall affect any power given to the company or to the Board of Trade by sects. 11, 12, 14, or 15 of the last-mentioned acts respectively.

#### *Level Crossings.*

5. Where the company is authorised by the special act to carry the railway across a turnpike road or public carriage road on a level, it shall not be lawful for the company in shunting trains to pass any train over the level crossing, or at any time to allow any train, engine, carriage, or truck to stand across the same.

6. For the greater convenience and security of the public, the company shall erect and permanently maintain a lodge at the point where the railway crosses on the level the turnpike road or public carriage road; and the company shall be subject to and shall abide by all such regulations with regard to the crossing thereof on the level, or with regard to the speed at which trains may pass the level crossing, as may from time to time be made by the Board of Trade.

If the company fails to erect or to maintain such lodge, or to appoint or keep a proper person to watch or superintend the level crossing, or to observe or abide by any such regulation as aforesaid, they shall for every such offence be liable to a penalty not exceeding 20*l.*, and also to a penalty of 10*l.* for every day during which the offence continues after the penalty of 20*l.* is incurred.

7. The Board of Trade may, if it appears to them necessary for the public safety, at any time after the passing of the special act, require the company, within such time as the

Board of Trade directs, and at the expense of the company, to carry the turnpike road or public carriage road either under or over the railway by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as, under the circumstances of the case, may appear to the Board of Trade best adapted for removing or diminishing the danger arising from the level crossing.

Where the road is so carried either under or over the railway, it shall not be necessary for the company to erect or maintain a lodge at the point where the road is crossed, or to appoint a person to watch or superintend the crossing thereat, nor shall they be liable to any penalty for failure so to do.

8. If the Board of Trade certifies that the public safety requires that additional lands be taken by the company for the purpose of the work directed by the Board of Trade to be executed, the company may, subject to the provisions of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation (Scotland) Act, 1845, as the case may require, enter upon, take, and use, all or any part of the lands specified in the certificate of the Board of Trade as being necessary for the purpose of the work; and the Board of Trade, before issuing the certificate, shall cause at least three months' notice to be given to any person who may be entitled to claim under the last-mentioned acts, or otherwise, compensation in respect of the taking of such lands or in respect of such work.

#### *Junctions.*

9. Where the company is authorised by the special act to make a junction between the railway and any other railway, then and in every such case all interferences with the works of the other railway, necessary or convenient for effecting the junction, shall be made under the superintendence and to the reasonable satisfaction of the engineer for the time being of the company or person to whom the other railway belongs; and in case of any difference arising as to the mode of effecting the junction, the same shall be determined by a referee to be appointed by the Board of Trade, on the application of either party, at the cost of the company making the junction.

10. With respect to any lands belonging to the company or person to whom the other railway belongs, which the company are by the special act authorised to use, enter upon, or interfere with, for the purposes of the junction, the company shall not, except by agreement, or unless otherwise provided in the special act, purchase and take the same, but the company may purchase and take, and such other railway company or person may and shall sell and grant accordingly, an easement or right of using the same for the purposes of the junction.

11. Nothing relative to the junction in this act contained shall be deemed to authorise the company, for the purposes of the junction, to take or enter upon any lands belonging to the company or person to whom the other railway belongs, or to alter or interfere with any railway, or any of the works thereof, further or otherwise than is necessary for making the junction and inter-communication between the railways, as shewn on the deposited plans and sections of the railway to which the special act relates, without the previous consent in writing, in every instance, of such other railway company or such person.

12. The company or person with whose railway the junction is made may from time to time erect such signals and conveniences incident to the junction, either on their or his own lands, or on the lands of the company making the junction, and may from time to time appoint and remove such watchmen, switchmen, or other persons, as may be necessary for the prevention of danger to, or interference with, the traffic at and near the junction. The working and management of such signals and conveniences, wherever situate, shall be under the exclusive regulation of the company or person with whose railway the junction is made; and all the expenses of erecting and maintaining those signals and conveniences, and of employing those watchmen, switchmen, and other persons, and all incidental current expenses, shall, at the end of every half-year, be repaid by the company making the junction, and in default thereof may be recovered from them in any court of competent jurisdiction.

#### *Protection of Navigation.*

13. Where the company is authorised by the special act to construct, alter or extend any work on, in, over, through, or



across tidal lands or a tidal water, the company shall, on or near the work, during the whole time of the constructing, altering, or extending thereof, exhibit and keep burning at their own expense, every night from sunset to sunrise, such lights (if any) as the Board of Trade from time to time requires or approves; and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also, on or near the work, when completed, always maintain, exhibit, and keep burning at their own expense, every night from sunset to sunrise, such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves.

If the company fails to comply, in any respect, with the provisions of the present section, they shall, for each night in which they so fail, be liable to a penalty not exceeding 50*l*.

14. Where the company is authorised or required by the special act to construct a bridge over a navigable tidal water, and the special act does not make express provision respecting the span or spans thereof, then the company shall construct the same with a span or spans of such headway and waterway, and with such opening span or spans (if any), and according to such plan, as the Board of Trade directs or approves.

15. Where the company constructs a bridge with an opening span, it shall not be lawful for the company to detain any vessel, barge, or boat, at the bridge, for a longer time than may be necessary for admitting a carriage or engine traversing the railway and approaching the bridge to cross the bridge, and for opening the bridge to admit the vessel, barge, or boat to pass; and the company shall be subject to, and shall abide by, such regulations with regard to the user of the bridge, as may from time to time be made by the Board of Trade.

If the company detains a vessel, barge, or boat, longer than the time aforesaid, or fails in any respect to abide by any such regulation as aforesaid, they shall, for every such offence, be liable to a penalty not exceeding 20*l*., without prejudice to any remedy against them for any loss or damage sustained by any person.

16. Where the railway cuts off access between the land and a tidal water or tidal lands, then and in every such case the company shall, during the construction of the railway, and from time to time thereafter, make, and shall permanently maintain, and allow to be used by all persons, at all times, free of toll or other charge, all such footways and carriageways over, under, or across the railway, or on a level therewith, as the Board of Trade from time to time directs or approves: provided always, as follows:—

(1). The company shall not be obliged to make a footway or carriageway over lands, for the use of an owner or occupier who has agreed to receive, and has been paid, compensation for the severance thereof from the tidal water or tidal lands:

(2). The company shall not be obliged to make, or to allow to be made, a footway or carriageway in such manner as would interfere with the working or using of the railway:

(3). The expense of the making and maintenance of a footway or carriageway required to be made after the construction of the railway, shall be defrayed by the persons or body interested in the tidal water or tidal lands for whose benefit or convenience the same is required.

Where the footway or carriageway is made across the railway on the level, then the manner of the making and watching of the level crossing shall be subject to the approval of the Board of Trade; and where the level crossing is made after the construction of the railway, then all expenses attending the watching thereof shall be defrayed by the persons or body interested in the tidal water or tidal lands for whose benefit or convenience the same is required.

17. Where the company is authorised by the special act to construct a railway skirting a public navigable tidal river or channel, the company shall not make any deviation of the railway from the continuous centre line thereof marked on the plan deposited by them at the Board of Trade, even within the limits of deviation shown on that plan, in such manner as to diminish the navigable space, without the previous consent of the Board of Trade, or otherwise than in such manner as is expressly authorised by the Board of Trade.

If any deviation is made in contravention of the present section, the Board of Trade may abate and remove the work in the construction whereof the deviation is made, or any part thereof, and restore the site thereof to its former condition, at the expense of the company; and the amount of such expense shall be a debt due from the company to the Crown, and be recoverable accordingly with costs, or the same may be recovered, with costs, as a penalty is recoverable from the company.

18. If a work constructed by the company on, in, over, through, or across tidal lands or a tidal water is abandoned, or suffered to fall into decay, the Board of Trade may abate and remove the work, or any part of it, and restore the site thereof to its former condition, at the expense of the company; and the amount of such expense shall be a debt due from the company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the company.

19. If at any time the Board of Trade deems it expedient, for the purposes of the special act, or of this part of this act, to order a survey and examination of a work constructed by the company on, in, over, through, or across tidal lands or tidal water, or of the intended site of any such work, the company shall defray the expense of the survey and examination; and the amount thereof shall be a debt due from the company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the company.

#### PART II.—EXTENSION OF TIME.

20. Where a railway is authorised to be constructed by a special act passed either before or after the passing of this act, and the time limited by the special act for the exercise of powers of compulsory purchase of lands, or of powers for construction of the railway and works, is extended by a special act hereafter passed and incorporating this part of this act,—then and in every such case the justices, arbitrators, umpires, or juries, as the case may be, who award or assess the compensation to be made by the company to the owners or occupiers of, or other persons interested in, lands taken or used for the purposes of the railway and works, or injuriously affected by the construction thereof, shall, in estimating the amount of such compensation, have regard to, and assess compensation for, the additional damage (if any) sustained by those owners, occupiers, or other persons, by reason of the extension of time.

21. The extension of time shall not affect any contract entered into or notice given by the company before the passing of the special act granting the extension, for purchasing, taking, or using any lands which the company was entitled to purchase, take, or use; but every such contract and notice shall be construed and take effect, and the same proceedings may be had thereunder, and all parties thereto shall be entitled to the same rights and remedies in respect thereof, at law and in equity, as if the extension had not been granted.

#### PART III.—WORKING AGREEMENTS.

22. Where two or more companies are authorised by a special act hereafter passed and incorporating this part of this act, to agree among themselves with respect to all or any of the following purposes: namely,—

The maintenance and management of the railways of the companies respectively, or any one or more of them, or any part thereof respectively, and of the works connected therewith respectively, or any of them;

The use and working of the railways or railway, or of any part thereof, and the conveyance of traffic thereon;

The fixing, collecting, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of traffic;

then and in every such case the authority so to agree, or the agreement when entered into, shall not in any manner affect any of the tolls, rates, or charges which the companies parties thereto are from time to time respectively authorised to demand and receive from any person or from any other company; but all such persons and companies shall, notwithstanding the agreement, be entitled to the use and benefit of the railways of the several companies, parties to the agreement, on the same terms and conditions, and on payment of the same tolls, rates, and charges, as they would be if such

authority had not been given or the agreement had not been entered into.

23. The agreement shall not, save as far as its terms and conditions are authorised by the Railways Clauses Consolidation Act, 1845, or by the Railways Clauses Consolidation (Scotland) Act, 1845, as the case may require, or by any other general statute or law from time to time in force with respect to the companies parties to the agreement, have any operation unless and until it is sanctioned by such proportion of the votes of the shareholders and stockholders entitled to vote in that behalf at meetings of the several companies parties thereto, present (personally or by proxy) at a general meeting of each company specially convened for the purpose (in manner hereinafter mentioned), as is prescribed in the special act, and if no proportion is prescribed, then by three-fifths of such votes.

Every such meeting shall be convened by circular addressed to each such shareholder and stockholder, and served in the manner prescribed by the Companies Clauses Consolidation Act, 1845, or the Companies Clauses Consolidation (Scotland) Act, 1845, as the case may require, with respect to notices requiring to be served by the company upon the shareholders, and also by advertisement inserted once at least in each of two consecutive weeks in some newspaper published or circulating in the county prescribed in the special act, and if no county is prescribed, then in the county in which the head office of the company is situate, the last of such advertisements to be published not less than seven days before the meeting.

24. Before the companies enter into the agreement notice of their intention to do so shall be given by them or one of them, in a form to be approved by the Board of Trade, inserted once at least in each of three successive weeks in some newspaper published or circulating in the county prescribed in the special act, and if no county is prescribed, then in the county or one of the counties in which each railway to the maintenance, management, use, or working whereof the proposed agreement relates, or some portion of that railway, is situate; and the notice shall set forth within what time and in what manner any company or person aggrieved by the proposed agreement, and desiring to object thereto, may bring the objection before the Board of Trade.

25. The agreement shall not have any operation until it is approved by the Board of Trade; and the Board of Trade shall not approve the agreement without being satisfied of its having received such sanction of meetings of the respective companies as aforesaid.

26. The companies parties to the agreement may, in accordance therewith, and for the purposes thereof, appoint a joint committee, composed of such number of the directors of each company as the companies think proper, and from time to time may vary and renew the joint committee as occasion requires, and may regulate the proceedings of the joint committee, and may delegate to the joint committee all such of the powers of the companies as the companies think necessary for carrying into effect the purposes of the agreement; and the joint committee shall have and may exercise the powers so from time to time delegated to them in like manner as the same powers might be had and exercised by the companies respectively or their respective directors.

27. At the expiration of the first or any subsequent period of ten years after the making of the agreement, the Board of Trade may, if they are of opinion that the interests of the public are prejudicially affected thereby, cause the same to be revised; and the Board of Trade may require the companies parties thereto to publish such notices of any intended revision of the agreement as the Board of Trade may direct; and the Board of Trade may modify the agreement in such manner as may seem expedient for the protection of the interests of the public, and may declare the modification to be part of the agreement, and the same shall be read and take effect accordingly.

28. Where a company is authorised by a special act hereafter passed, and incorporating this part of this act, to agree with a person being the proprietor of a railway, with respect to all or any of the purposes specified in this part of this act, then and in every such case the provisions of this part of this act shall apply, mutatis mutandis, to the company in relation to such authority, and to the agreement entered into by virtue thereof.

29. For the purposes of this part of this act, any altera-

tion of an agreement by the parties thereto shall be deemed an agreement.

#### PART IV.—STEAM VESSELS.

30. Where a railway company, incorporated either before or after the passing of this act, is authorised by a special act hereafter passed, and incorporating this part of this act, to build, or buy, or hire, and to use, maintain, and work, or to enter into arrangements for using, maintaining, or working steam vessels for the purpose of carrying on a communication between any towns or ports, and to take tolls in respect of such steam vessels, then and in every such case tolls shall be at all times charged to all persons equally, and after the same rate in respect of passengers conveyed in a like vessel passing between the same places under like circumstances; and no reduction or advance in the tolls shall be made in favour of or against any persons using the steam vessels in consequence of his having travelled, or being about to travel, on the whole or any part of the company's railway, or not having travelled; or not being about to travel, on any part thereof; or in favour of or against any person using the railway in consequence of his having used or being about to use, or his not having used or not being about to use, the steam vessels; and where an aggregate sum is charged by the company for conveyance of a passenger by a steam vessel and on the railway, the ticket shall have the amount of toll charged for conveyance by the steam vessel distinguished from the amount charged for conveyance on the railway.

31. The provisions of the Railway and Canal Traffic Act, 1864, so far as the same are applicable, shall extend to the steam vessels, and to the traffic carried on thereby.

32. The company may from time to time make by-laws in relation to passengers, animals, and goods conveyed in or upon the steam vessels, and as to the embarkation and disembarkation thereof respectively, and may enforce the observance of the same by penalties, in the same manner as they may with respect to passengers, animals, and goods conveyed upon their railway; such by-laws to be sanctioned and authenticated in the same manner as is required by any special or other act with respect to by-laws relating to the company's railway, and being published by being painted on boards, or printed on paper and pasted on boards, and hung up or affixed and continued on some conspicuous part of every steam vessel and landing-place of the company; and such by-laws, and all penalties in respect of the breach thereof, shall be enforced and recovered in the same manner as is provided with respect to by-laws relating to the company's railway, and to penalties in respect of the breach thereof.

33. All tolls and charges for the steam vessels due and payable to the company on any account whatsoever, and all costs, damages, and expenses by the special act directed to be paid in respect of the steam vessels, may be levied by distress; and in England or Ireland any justice, and in Scotland the sheriff, may, on application by or on behalf of the company, issue his warrant accordingly.

The justice or sheriff who issues the warrant of distress may order, that the costs of the proceedings for the recovery of the toll or sum shall be paid by the person liable to pay the toll or sum, and the costs shall be ascertained by the justice or sheriff, and shall be included in the warrant of distress for the recovery of the toll or sum.

34. Any number of names and sums may be included in any warrant of distress or notice obtained or given by the company for any of the purposes of this part of this act, or of the provisions of the special act with respect to the steam vessels, and may be stated either in the body of the warrant or notice, or in a schedule thereto.

35. In every seventh year after the passing of the special act, reckoned from the 1st January next after its passing, the Board of Trade, if they are of opinion that the interests of the public are prejudicially affected by the exercise of the powers of the company relative to steam vessels, may give to the company notice in writing thereof, and of the reasons on which that opinion is founded, and if the company does not, before the beginning of the then next session of Parliament, make provision to the satisfaction of the Board of Trade, for protection of the interests of the public; or if the injury done to the interests of the public is, in the opinion of the Board of Trade, incapable of being remedied by the company, then the Board of Trade, at the beginning of the session of Parlia-

ment then next following, shall report to both Houses of Parliament such their opinion, and the reasons on which that opinion is founded, and at the expiration of twelve calendar months after the presentation to the Houses of Parliament of that report, the powers of the company relative to steam vessels, or such of them as are specified in the report, shall, unless Parliament in the meantime otherwise provides, cease to be exercised.

#### PART V.—AMALGAMATION.

36. This part of this act shall apply where two or more railway companies, respectively incorporated either before or after the passing of this act, are amalgamated by a special act hereafter passed and incorporating this part of this act.

37. For the purposes of this part of this act, companies shall be deemed amalgamated by a special act, in either of the following cases:—

- (1). Where by the special act two or more companies are dissolved, and the members thereof respectively are united into and incorporated as a new company:
- (2). Where by the special act a company or companies is or are dissolved, and the undertaking or undertakings of the dissolved company or companies is or are transferred to another existing company, with or without a change in the name of that company:

And in this part of this act, such special act is referred to as the amalgamating act; the company incorporated or continued by or under the amalgamating act is referred to as the amalgamated company; and the time prescribed in the amalgamating act for the amalgamation taking effect; and if no time is prescribed, then the time of the passing of the amalgamating act, is referred to as the time of amalgamation.

38. In every case of amalgamation, the undertaking, railways, harbours, navigations, ferries, wharfs, canals, works, real and personal property, powers, authorities, privileges, exemptions, rights of action and suit, and all other the rights and interests of the dissolved company, shall, subject to the contracts, obligations, debts, and liabilities of that company, become at the time of amalgamation, and by virtue of the amalgamating act, vested in the amalgamated company, and may and shall be held, used, exercised, and enjoyed by the amalgamated company, in the same manner and to the same extent as the same respectively at the time of amalgamation are, or if the amalgamating act were not passed might be, held, used, exercised, and enjoyed by the dissolved company.

39. The special acts relating to or affecting the dissolved company or their undertaking in force at the passing of the amalgamating act, shall, except so far as they are thereby expressed to be varied or repealed, remain in full force; and all rights and powers thereby conferred on and vested in the dissolved company in relation to their undertaking may be enjoyed and exercised by the amalgamated company in relation to the dissolved undertaking; and all matters to be done, continued, or completed, or which but for the amalgamation would, might, or could be done, continued, or completed, by the dissolved company, or their directors, officers, or servants, under or by virtue of those acts, shall or may be done, continued, or completed by the amalgamated company, and their directors, officers, and servants, as the case may be; and every special act, so far as it relates to or affects the dissolved company or their undertaking, shall be read and construed as if the name of the amalgamated company had been used therein in relation to that undertaking instead of the name of the dissolved company.

40. Except as may be otherwise provided in the special act, all debts and money due from or to the dissolved company, or any persons on their behalf, shall be payable and paid by or to the amalgamated company; and all tolls, rates, duties, and money due or payable by virtue of any act relating to the dissolved company from or to that company shall be due and payable from or to the amalgamated company, and shall be recoverable from or by the amalgamated company by the same ways and means, and subject to the same conditions, as the same would or might have been recoverable from or by the dissolved company if the amalgamating act had not been passed.

41. All deeds, conveyances, grants, assignments, leases, purchases, sales, mortgages, bonds, covenants, agreements, contracts, and securities which before the amalgamation have been executed, made, or entered into by, with, to, or

in relation to the dissolved company, or the directors thereof, and which are in force at the time of amalgamation, and all obligations and liabilities which before the amalgamation have been incurred by or to, or which but for the amalgamation might or would have arisen in relation to, the dissolved company or the directors thereof, shall be as valid and of as full force and effect in favour of, against, or in relation to the amalgamated company as if the same had been executed, made, or entered into by, with, or to, or in relation to, or had been incurred by or to or had arisen in relation to, the amalgamated company by name.

42. All causes and rights of action or suit accrued before the time of amalgamation, and then in any manner enforceable by, for, or against the dissolved company shall be and remain as good, valid, and effectual for or against the amalgamated company as they would or might have been for or against the dissolved company affected thereby, if the amalgamating act had not been passed.

43. Nothing in the amalgamating act or in this part of this act shall cause the abatement, discontinuance, or determination of, or in anywise prejudicially affect, any action, suit, or other proceeding at law or in equity commenced by or against the dissolved company, either solely or jointly with any other company or with any person, before the time of amalgamation, and then pending; but the same may be continued, prosecuted, or enforced by or against the amalgamated company, either solely, or, as the case may require, jointly with such other company or with such person; and all persons committing offences against any of the provisions of any special act relating to the dissolved company before the amalgamation may be prosecuted, and all penalties incurred by reason of such offences may be sued for and recovered, in like manner in all respects as if the amalgamating act had not been passed,—the amalgamated company being in respect of all such matters considered as identical with the dissolved company.

44. No submission to arbitration of any matter in dispute between the dissolved company and any other company or any person, under which any reference is pending and incomplete at the time of amalgamation, and no award theretofore made and then remaining in force, shall be revoked or prejudicially affected by anything in the amalgamating act or in this part of this act contained; but every such submission and award shall be as valid and effectual for or against the amalgamated company as it would have been for or against the dissolved company.

45. All works which the dissolved company is at the time of amalgamation authorised or bound to execute or complete, and which are not then executed or completed, may or shall (as the case may require) be executed or completed by the amalgamated company, and for that purpose the amalgamated company shall have and be subject to all the powers, rights, and conditions which were conferred or imposed upon the dissolved company, and which but for the passing of the amalgamating act might have been exercised by or enforced against the dissolved company.

46. Where the dissolved company has under any special act entered into any contract for the purchase of or taken or used any lands, which at the time of amalgamation have not been effectually conveyed to the dissolved company, or the purchase money in respect of which has not been duly paid by the dissolved company,—then and in every such case the contract, if in force at the time of amalgamation, shall thereafter be completed by, and such lands shall be conveyed to, the amalgamated company, or as the amalgamated company directs, and the purchase money shall be paid and applied pursuant to the special acts relating to the dissolved company; and those acts shall, in relation to the completion of the contract and the purchase and conveyance of the lands, and the payment and application of the purchase money in respect thereof, be read and construed as if the amalgamated company were the company named in the acts and contract.

47. Where any money has, before the time of amalgamation, been paid by the dissolved company, or is thereafter paid by the amalgamated company under any special act relating to the dissolved company, into the Bank of England, or into one of the incorporated or chartered banks in Scotland, or into the Bank of Ireland, or to any trustee or trustees, on account of the purchase of any lands, or any interest therein, or for any compensation or satisfaction, or on any other account, such money, or the stocks, funds, or securities

in or upon which the same then is or thereafter may be invested by order of any court, or otherwise, and the interest, dividends, and annual produce thereof, shall be applied and disposed of pursuant to such special act; and that and every other act shall, in relation to such money, stocks, funds, or securities, or the interest, dividends, or annual produce thereof, be read and construed as if the amalgamated company were the company therein named with reference to the same money, stocks, funds, securities, interest, dividends, or annual produce.

48. All officers and persons who, at the time of amalgamation, have in their possession or under their control any books, documents, papers, or effects belonging to the dissolved company, or to which the dissolved company would but for such dissolution have been entitled, shall be liable to account for and deliver up the same to the amalgamated company, or to such persons as the amalgamated company may appoint to receive the same, in the same manner, and subject to the same consequences on refusal or neglect, as if such officers and persons had been appointed by and become possessed of such books, documents, papers, or effects for the amalgamated company.

49. All clerks, officers, and servants, who at the time of amalgamation are in the employment of the dissolved company, shall thereupon become clerks, officers, or servants, as the case may be, of the amalgamated company, with the same rights, and subject to the same obligations and incidents in respect of such employment as they would have had or been subject to as the clerks, officers, or servants of the dissolved company, and shall so continue, unless and until they respectively are duly removed from such employment by the amalgamated company, or until the terms of their employment are duly altered by the amalgamated company.

50. All books and documents which would have been evidence in respect of any matter for or against the dissolved company shall be admitted as evidence in respect of the same or the like matter for or against the amalgamated company.

51. All resolutions of any general meeting or board of directors of the dissolved company, or of any duly constituted and authorised committee thereof, so far as the same are applicable and remain in force, shall, notwithstanding the dissolution, continue to be operative, and shall apply to the amalgamated company, and to the directors, officers, and servants of the amalgamated company, until duly revoked or altered by the amalgamated company, or under their authority.

52. All calls made by the dissolved company, and not paid at the time of amalgamation, shall be payable to, and may be enforced by, the amalgamated company, as if such calls had been made by the amalgamated company.

53. All registers of shares, stock, mortgages, and bonds of the dissolved company, and all registers of transfers thereof respectively, and all shareholders' and stockholders' address books, and all certificates of shares or stock of and in the dissolved company, which are valid and subsisting at the time of amalgamation, shall continue to be valid and subsisting, and shall have the same operation and effect as before the dissolution, unless and until new or altered registers, books, and certificates respectively are substituted in their stead; and all transfers, sales, or dispositions of stock or shares made before the dissolution, and not then completed, shall have the same operation and effect as if made after the dissolution.

54. All the by-laws, rules, and regulations of the dissolved company relating to the management, use, or control of their undertaking shall, notwithstanding the dissolution, continue to be in force, and applicable to, and in respect of, the undertaking, and shall and may be enforced by, and available to, the amalgamated company in their own name, as well for the recovery of penalties as for all other purposes, as if the same respectively had been originally made by the amalgamated company, until the expiration of twelve months after the time of amalgamation, or until other by-laws, rules, and regulations are duly made by the amalgamated company in their stead, whichever first happens.

55. Notwithstanding the dissolution of the dissolved company, and the amalgamation, everything before the time of amalgamation done, suffered, and confirmed respectively, under or by virtue of any special act relating to the dissolved company, shall be as valid as if the amalgamating act had

not been passed; and the dissolution and amalgamation, and the amalgamating act, and this part of this act, respectively, shall accordingly be subject, and without prejudice, to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, present or future, which, if the dissolution and amalgamation had not taken place, and the amalgamating act had not been passed, would be incident to, or consequent on, anything so done, suffered, and confirmed respectively; and with respect to all things so done, suffered, and confirmed respectively, and to all such rights, liabilities, claims, and demands, the amalgamated company shall to all intents represent the dissolved company; and the generality of this present provision shall not be deemed to be restricted by any other of the provisions of this part of this act, or by any provision of the amalgamating act that does not expressly refer to this present provision, and expressly restrict the operation thereof.

## CAP. XCIII.

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks.

[28th July, 1863.]

Sect. 1. *Short title.*

2. *Application of act and interpretation of terms.*

3. *Power for justices to inquire as to danger of reservoir.*

4. *Order of justices for immediate repair.*

5. *Order of justices on undertakers to repair reservoir. Order of justices on failure of undertakers to repair.*

6. *Form of order.*

7. *Persons acting under order not trespassers.*

8. *Order for payment of costs and expenses.*

9. *Appeal by undertakers.*

10. *Undertakers not to be responsible for consequences of order.*

11. *Provisions as to Scotland.*

12. *Supply for other than domestic purposes.*

13. *Want of supply for other than domestic purposes, when excused.*

14. *Power to let meters for hire.*

15. *Power for ascertaining quantity consumed by meter, and for removing meters, &c.*

16. *Power to cut off water in certain cases.*

17. *Penalty for waste, &c. of water by non-repair of pipes, &c.*

18. *Penalty for application of water contrary to agreement.*

19. *Penalty for extension or alteration of pipes.*

20. *Penalty for use of water without agreement.*

21. *Recovery of rates by action.*

Whereas the Waterworks Clauses Act, 1847, was passed in order to comprise in one act sundry provisions which were at the time of the passing of that act usually introduced into acts of Parliament authorising the construction of certain waterworks:

And whereas sundry provisions of the like nature, but not comprised in the said act, are now frequently introduced into acts of Parliament relating to waterworks, and it is expedient to comprise such last-mentioned provisions also in one act, and that as well for the purpose of avoiding the necessity of repeating such provisions in special acts relating to waterworks, as for insuring greater uniformity in the provisions themselves: be it therefore enacted &c., as follows:—

*Preliminary.*

Sect. 1. This act may be cited as "The Waterworks Clauses Act, 1863;" and the Waterworks Clauses Act, 1847, and this act, may be cited together as "The Waterworks Clauses Acts, 1847 and 1863."

2. This act shall apply to any waterworks to which any special act hereafter passed and incorporating this act relates; and every such special act is hereinafter referred to as "the special act."

Terms used in this act have the same meanings as the same terms have when used in the Waterworks Clauses Act, 1847.

The provisions respecting the recovery of penalties contained in the last-mentioned act shall be incorporated with this act.

*Security of Reservoirs.*

And with respect to the security of the reservoirs constructed by the undertakers, be it enacted as follows:—

3. Whenever any person interested complains to two justices that any reservoir constructed by the undertakers is in a dangerous state, such justices shall forthwith make inquiry into the truth of the complaint; or two justices, on their own view, and without complaint by any person, may proceed under the present provisions as if a complaint had been so made to them.

4. If, on any such inquiry, the justices are satisfied that the complaint is well founded, and that the reservoir is in a dangerous state, and that the danger is so imminent as not to admit of delay in removing the cause of complaint, they shall order such person as they shall think fit to enter on the property of the undertakers, and to lower the water in the reservoir, and to execute and do all such works and things as the justices think requisite and proper for removing the cause of complaint.

5. If, on such inquiry, the justices are satisfied that there is good cause of complaint, but are not satisfied that the reservoir is in such an imminently dangerous state as not to admit of delay in removing the cause of complaint, they shall issue their summons to the undertakers to answer the complaint; and upon hearing the parties, the justices may, or upon default of appearance of the undertakers, then in their absence, the justices shall, order the undertakers, within such period as the justices think reasonable, and specify in the order to lower the water in the reservoir, and to execute and do all such works and things as the justices think requisite and proper for removing the cause of complaint.

If the undertakers fail to execute or do within that period any such work or thing, the justices who made the order, or any other two justices, on being satisfied of such failure, may either order such persons as the justices think fit to enter on the property of the undertakers, and to lower the water in the reservoir, and to execute and do all such works and things as the justices think requisite and proper for removing the cause of complaint; or may, if they think fit, by order impose on the undertakers a penalty, not exceeding 10*l.*, for every day during which such failure continues after the making of the order imposing the penalty.

6. Any order of justices made in any of the cases aforesaid shall be in writing under their hands, and may be in the form set forth in the schedule to this act, with such variations as circumstances require.

7. Any person acting under and in pursuance of any such order shall not be deemed a trespasser; and if any person wilfully obstructs any person lawfully acting in obedience to any such order, or wilfully does, or instigates, or suffers to be done, anything in contravention thereof, he shall for every such offence be liable to a penalty not exceeding 50*l.*

8. The justices may order all, or such part as they think fit, of the costs of and incident to the applying for and obtaining of any such order to be paid by the undertakers, and also all, or such part as the justices think fit, of the expenses of the works and things executed and done in pursuance of any such order by any person other than the undertakers, to be paid by the undertakers to such person as the justices appoint.

If the justices before whom the complaint is made think that there is no sufficient ground for the complaint, they may, if they think fit, order the complainant to pay to the undertakers the whole or any part of their costs of or incident to the complaint.

9. If the undertakers consider themselves aggrieved by any order or determination of justices under the present provisions, they may, in like manner and subject to the like conditions as by the Railways Clauses Consolidation Act, 1845, are provided in the case of appeals in respect of penalties, appeal to the court of general or quarter sessions for the county or place where the cause of appeal arises; and that court may, on the hearing of the appeal, either affirm or quash the order or determination, or make such other order in the premises as may seem fit, and may make such order as to the costs, both of the original proceedings and of the appeal, as may seem fit; but the order or determination appealed against shall, pending the appeal, continue in force.

10. Notwithstanding anything in the special act contained, the undertakers shall not be liable to pay any damages, pen-

alties, costs, charges, or expenses for or in respect of, or be answerable or accountable for, any diminution or cessation of the supply of water, or any other breach or non-performance of their or any of their duties, liabilities, or obligations, under the special act, that may be occasioned by, or result from, the execution of any such order.

11. The present provisions with respect to the security of reservoirs shall apply to England and Ireland; and they shall also apply to Scotland, subject to the following variations, namely, the sheriff shall be deemed to be empowered thereby, as well as two justices; and the appeal given shall be from two justices in manner provided by the 151st and 152nd sections of the Railways Clauses Consolidation (Scotland) Act, 1845, and shall lie from a sheriff substitute to the sheriff depute, where the matter comes in the first instance before a sheriff substitute; and in that case the sheriff depute shall hear and determine the appeal, and may either confirm, recall, vary, or supersede the order of the sheriff substitute, as he thinks proper; and the costs of the appeal shall be in the discretion of the sheriff; and the order or judgment of the sheriff in the appeal shall be final.

*Supply of Water.*

And with respect to the supply of water to be furnished by the undertakers, be it enacted as follows:—

12. A supply of water for domestic purposes shall not include a supply of water for cattle, or for horses, or for washing carriages where such horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture, or business, or for watering gardens, or for fountains, or for any ornamental purpose.

13. Where the undertakers are authorised by the special act to supply water for other than domestic purposes, they shall not be liable, in the absence of express stipulation, under any agreement for the supply of water for other than domestic purposes, to any penalty or damages for not supplying such water, if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

14. Where the undertakers are authorised by the special act to supply water by measure, they may let for hire, to any consumer of water so supplied, any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between them and the consumer, which shall be recoverable in the same manner as rates due to the undertakers for water; and the meters, instruments, pipes, and apparatus shall not be subject to distress or to the landlord's hypothec for rent of the premises where the same are used, or be attached or taken in execution under any process of any court of law or equity, or under or in pursuance of any adjudication or order in bankruptcy, or other legal proceeding, against or affecting the consumer of the water or the occupier of the premises, or other the persons in whose possession the meters, instruments, pipes, and apparatus may be.

15. The officers of the undertakers may enter any house, building, or lands to, through, or into which water is supplied by them by measure, in order to inspect the meters, instruments, pipes, and apparatus, for the measuring, conveyance, reception, or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, building, or lands, for the purpose of removing any meter, instrument, pipe, or apparatus, the property of the undertakers; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for every such offence be liable to a penalty not exceeding 5*l.*; but, except with the consent of a justice or the sheriff, this power of entry shall be exercised only between the hours of ten in the forenoon and four in the afternoon.

*Protection of Water.*

And with respect to the waste or misuse of the water supplied by or belonging to the undertakers, be it enacted as follows:—

16. If any person supplied with water by the undertakers wrongfully does or causes or permits to be done anything in contravention of any of the provisions of the special act, or wrongfully fails to do anything which, under any of those provisions, ought to be done for the prevention of the waste,

misuse, undue consumption, or contamination of the water of the undertakers, they may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied by them to him, or for his use, and may cease to supply him with water, so long as the cause of injury remains or is not remedied.

17. If any person supplied with water by the undertakers wilfully or negligently causes or suffers any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle to be out of repair, or to be so used or contrived as that the water supplied to him by the undertakers is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air, or other noisome or impure matter, into any pipe belonging to or connected with the pipes of the undertakers, he shall for every such offence be liable to a penalty not exceeding 5*l*.

18. If any person—

First, not having from the undertakers a supply of water for other than domestic purposes, uses, for other than domestic purposes, any water supplied to him by the undertakers; or,

Secondly, having from the undertakers a supply of water for any other than domestic purposes, uses, for any purposes other than those for which he is entitled to use the same, any water supplied to him by the undertakers,—

he shall for every such offence be liable to a penalty not exceeding 40*s*., without prejudice to the right of the undertakers to recover from him the value of the water misused.

19. It shall not be lawful for the owner or occupier of any premises supplied with water by the undertakers, or any consumer of the water of the undertakers, or any other person, to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to the undertakers, or to a communication or service pipe belonging to or used by such owner, occupier, consumer, or other person, or to make any alteration in any such communication or service pipe, or in any apparatus connected therewith, without the consent in every such case of the undertakers; and if any person acts in any respect in contravention of the provisions of the present section, he shall for every such offence be liable to a penalty not exceeding 5*l*., without prejudice to the right of the undertakers to recover damages from him in respect of any injury done to their property, and without prejudice to their right to recover from him the value of any water wasted, misused, or unduly consumed.

20. If any person, not being supplied with water by the undertakers, wrongfully takes or uses any water from any reservoir, watercourse, conduit, or pipe belonging to the undertakers, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or other like place containing water belonging to the undertakers, or supplied by them for the use of any consumer of the water of the undertakers, he shall for every such offence be liable to a penalty not exceeding 5*l*.

#### Recovery of Rates.

And with respect to the recovery of water rates and other money, be it enacted as follows:—

21. If any person refuses or neglects to pay to the undertakers any rate or sum due to them under the special act,

they may recover the same, with costs, in any court of competent jurisdiction; and their remedy under the present section shall be in addition to their other remedies for the recovery thereof.

#### SCHEDULE.

##### Form of Order of Justices.

To A. B., of —, &c.

We, the undersigned, two of her Majesty's justices of the peace, acting for the [county] of —, do hereby order and direct you [and such person and persons as you may require to aid and assist you herein] forthwith to lower the water in the [here describe the reservoir, and the extent to which the water is to be lowered], and to do all such works and things as are requisite to repair and make secure the said reservoir [and you shall do as little injury as possible to the property of the —, and for acting as you are hereby directed this shall be your sufficient warrant.]

Given under our hands this — day of —, 18—.

A. B.  
C. D.

#### CAP. XCIV.

An Act to amend the Law relating to the Repair of Turnpike Roads in England, and to continue certain Turnpike Acts in Great Britain. [28th July, 1863.]

SECT. 1. Whereas doubts are entertained whether highway boards established under the act of the session of the 25 & 26 Vict. c. 61, are liable to contribute to the repair of turnpike roads in pursuance of the act of the session of the 4 & 5 Vict. c. 69, and the acts continuing the same: be it enacted, that where any turnpike road is situate in a parish that is included in a highway district, an order may be made on the highway board of the district to contribute to the repair of that road, under the same circumstances under which an order for the same purpose may be made on the parish surveyor, in pursuance of the said act of the session of the 4 & 5 Vict. c. 69, as continued as aforesaid; and for the purposes of the said last-mentioned act, the highway board shall be deemed to be substituted for the parish surveyor, and any rate leviable in pursuance of a precept of the board for the rate or assessment levied or to be levied by the said surveyor as in the said act mentioned, and any monies paid by the board for the purposes or in pursuance of the last-mentioned act, shall be deemed to be expenses incurred by the board in respect of the repair of highways in the parish in which the turnpike road is situate for which contribution is required, and "parish," as used in this section, shall mean any place in a highway district that returns a waywarden or waywardens to the board of that district; and it is hereby declared, that "local act," as used in the 7th section of the said act of the 25 & 26 Vict. c. 61, does not include turnpike acts.

2. Continuation of acts, except stats. 10 Geo. 4, c. xviii; 11 Geo. 4 & 1 Will. 4, c. lxxxviii; 1 Will. 4, cc. 1, xxvii, and xlii; and 1 & 2 Will. 4, c. xli.

3. Short title.

#### CAP. XCV.

An Act for continuing various expiring Acts.

[28th July, 1863.]

SECT. 1. Short title.

2. Continuance of acts.

#### SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
3 & 4 Vict. c. 89 .... Poor Rates Stock in Trade Exemption.	.....	Whole act .....	1st October, 1862, and end of then next session. (22 & 23 Vict. c. 44).	1st October, 1865, and end of then next session.
10 & 11 Vict. c. 90 .. Poor Laws (Ireland).	14 & 15 Vict. c. 68	As to powers of commissioners.	23rd July, 1863, and end of then next session. (25 & 26 Vict. c. 83).	23rd July, 1864, and end of then next session.
10 & 11 Vict. c. 98 .. Ecclesiastical Jurisdiction.	.....	As to provisions continued by 21 & 22 Vict. c. 50.	1st August, 1862, and end of then next session. (22 & 23 Vict. c. 45).	1st August, 1863, and end of then next session.
11 & 12 Vict. c. 92 .. County Cess (Ireland).	20 & 21 Vict. c. 7.	Whole act .....	1st August, 1863, and end of then next session. (24 & 25 Vict. c. 58).	1st August, 1864, and end of then next session.



1. <i>Original Acts.</i>	2. <i>Amending Acts.</i>	3. <i>How far temporary.</i>	4. <i>Time of Expiration of temporary Provisions.</i>	5. <i>Continued until</i>
11 & 12 Vict. c. 107.. Sheep and Cattle diseased.	16 & 17 Vict. c. 72	Whole act .....	1st August, 1863, and end of then next session. (21 & 22 Vict. c. 62).	1st August, 1864, and end of then next session.
14 & 15 Vict. c. 104.. Episcopal & Capitular Estates Management.	17 & 18 Vict. c. 116 22 & 23 Vict. c. 46 23 & 24 Vict. c. 124 .....	Whole act .....	1st January, 1863, and end of then next session. (24 & 25 Vict. c. 131).	1st January, 1864, and end of then next session.
25 & 26 Vict. c. 39.. Landed Property Improvement (Ireland).		As to certain powers conferred on Commissioners of Public Works.	1st January, 1864 .....	1st January, 1865, and end of then next session.

## CAP. XCVI.

An Act to amend the Petty Sessions (Ireland) Act (1851), and the Petty Sessions Clerks (Ireland) Act (1858).  
[28th July, 1863.]

Sect. 1. Provisions of recited acts to apply to complaints or proceedings under the 3 & 4 Will. 4, c. 68, and the 6 & 7 Will. 4, c. 38, in cases specified.

2. Short title.

## CAP. XCVII.

An Act to enable Cities, Towns, and Boroughs of Twenty-five Thousand Inhabitants and upwards to appoint Stipendiary Magistrates.  
[28th July, 1863.]

Sect. 1. *Short title.*

2. *Interpretation of terms.*

3. *Power to local board to make a by-law as to salary to be fixed, on which the Crown may appoint a justice.*

4. *Local board to provide and furnish a police office.*

5. *Justice need not be qualified by estate; but such justice not to sit in courts of gaol delivery.*

6. *Power to magistrate to appoint a clerk, being an attorney-at-law. Clerk disqualified from acting as attorney in certain cases. As to fees to be taken. Power to remit fees and award costs.*

7. *Clerk to pay over fees to treasurer. Fees received to form one general fund. Power to local board to make rates for payment of magistrate, &c. Application of fines and penalties. As to penalties appropriated under local acts.*

Whereas the execution of the office of justice of the peace within populous cities and places in England and Wales has become difficult and burdensome, the great and increasing extent of the populations therein, and the difficult and important legal questions that arise under various public and local acts, creating unreasonable demands upon the time of justices: and whereas there is reason to believe that such cities and places would secure the services of stipendiary magistrates for the more speedy and effectual execution of the said office, the better protection of the persons and properties of the inhabitants, and the advantage of the public, if provision were made by authority of Parliament for the appointment of such magistrates: be it therefore enacted &c., as follows:—

Sect. 1. This act may be cited as "The Stipendiary Magistrates Act, 1863."

2. In the construction of this act the following words and expressions shall have the meanings hereby assigned to them, unless they be repugnant to, or inconsistent with, the context or subject-matter in connexion with which they are used; that is to say:—

The words "city" or "place" shall mean any city or place not a municipal corporation, wherein the Public Health Act, Local Government Act, or Local Improvement Act is or shall be in operation, and shall comprise the whole area to which the Public Health Act, Local Government Act, or Local Improvement Act shall extend, provided there is a population within such area of 25,000 persons; and provided such place is not included in any district for which a stipendiary magistrate is acting by virtue of any act of Parliament:

The expression "local board" shall mean the board appointed under any of such acts:

The word "county" shall mean county, riding, parts, liberty, or division:

The word "jurisdiction" shall include the entire area of a city or place to which any of such acts shall extend:

This act shall not extend to the city of London, or to any city or place which is now incorporated or shall be incorporated under the provisions of the 5 & 6 Will. 4, c. 76, intituled "An Act for the Regulation of Municipal Corporations in England and Wales."

3. If any local board of any city or place shall, by a majority of not less than two-thirds of the number of such board, think it expedient that a stipendiary magistrate should be appointed to execute the office of a justice of the peace within any city or place, such local board is hereby empowered, by a like majority, to make a by-law or minute fixing the amount of the salary which he is to receive in that behalf, subject to the approval of one of her Majesty's Principal Secretaries of State, and such by-law or minute shall be transmitted to one of her Majesty's Principal Secretaries of State, and it shall be lawful thereupon for her Majesty, if she shall think fit, to appoint a fit person, being a barrister-at-law of not less than five years standing, to be, during her Majesty's pleasure, police magistrate and justice of the peace for such city or place, and to order that such sum shall be paid quarterly out of the local improvement rate of such city or place as will be sufficient to pay such yearly salary to the said justice so assigned as aforesaid, not exceeding in the whole the salary mentioned in such by-law or minute so approved as aforesaid, clear of all fees or deductions, as to her Majesty shall seem fit; and the treasurer of such local board shall pay to the justice so assigned as aforesaid, out of the local improvement rates, the salary so directed to be paid, by four equal quarterly payments, and in the same proportion up to the time of the death of such justice, or his ceasing to act under such assignment as aforesaid: provided that in every case of vacancy of the office of police magistrate in any city or place aforesaid, no new appointment of police magistrate in such city or place shall be made until the local board, in manner hereinbefore referred to, shall again make application to one of her Majesty's Principal Secretaries of State in that behalf, and, as in the case of the first appointment of a police magistrate in such city or place.

4. The local board are hereby authorised and required to provide and furnish a fit and suitable office, to be called the police office of the city or place, for the purpose of transacting the business of the justices of such city or place, and to pay from time to time, out of the local improvement rates, such sums as may be necessary for providing, upholding, and furnishing, and for the necessary expenses of such police office, provided that no room in any house licensed as a victualling house or alehouse shall be used for the purposes of any such police office.

5. Any person assigned to keep the peace within any city or place under the provisions of this act shall during the continuance of such assignment execute the duties of a justice of the peace in and for the city and place for which he shall have been so assigned, although he may not have such qualification by estate as is required by law in the case of other persons being justices of the peace for a county, provided that such person be not disqualified by law to act as a justice of the peace for any other cause or upon any other account than in respect of estate, and shall sit and act as a justice of the peace within such jurisdiction as aforesaid on all matters where one or more justices are by law now required either

alone or together with any other justice or justices of the peace of the city or place wherein his jurisdiction is situate; and that every summons for the appearance of any person, or warrant to compel such appearance, or warrant for the apprehension of any person charged with any offence, or search warrant issued by any justice of the peace acting in and for any city or place in any matter within his jurisdiction, may be respectively served and executed within any county in which the said city or place shall be situate, or within any distance not exceeding seven miles from such city or place, and within such limits as aforesaid, shall have the same force and effect as if the same had been originally issued or subsequently indorsed by a justice of the peace having jurisdiction in the place where the same shall be served or executed, any law, statute, charter, or usage to the contrary notwithstanding; and every such summons and warrant shall and may be lawfully served or executed within such limits as aforesaid by the constable or special constable to whom the same shall be directed: provided nevertheless, that no such person, by virtue of such assignment, shall act as a justice of the peace at any court of gaol delivery, or general or quarter sessions, or in making or levying any county rate or rate in the nature of a county rate.

6. It shall be lawful for such magistrate and he is hereby required to appoint one fit and proper person, being an attorney-at-law, in actual practice as a clerk, to be removable at his pleasure, and as often as there shall be a vacancy in the said office of clerk to the magistrate by death, resignation, removal, or otherwise; and such clerk shall attend (except when prevented by illness or some other sufficient cause, to be allowed by such magistrate, who shall appoint a temporary deputy) at all official meetings, and do all such work and transact all such business as is usually done and transacted by justices clerks; and he and his successors shall be paid such yearly salary as the local board shall appoint, subject to an appeal to the Secretary of State, who is hereby empowered finally to determine the amount of the said salary, for his time, trouble, attendance, and expenses in the execution of his said office, by the local board, in four quarterly payments, as hereinbefore directed with reference to the payment of the salary of the said magistrate; but he shall not be concerned, either by himself or partner, in any matter before the said magistrate, or arising out of or consequent thereupon in any other court, on pain of dismissal. Such clerk shall receive and take all such fees as are authorised to be taken by the clerks to the justices acting for the county within which the said city or place is locally situate: provided that a copy of the table of fees shall be affixed in the public office of every magistrate appointed under this act, who may remit any fees, in part or in whole, for reasonable cause, and award such costs as to him shall seem meet to be paid to or by either of the parties to any charge or complaint, whether or not a warrant or summons shall have issued.

7. Such clerk shall pay over all fees to the treasurer of the local board once every quarter of a year, and shall keep accounts of them in writing, and shall at the same time render to the local board an account thereof. All such fees, together with all fines, penalties, and forfeitures hereinafter referred to, shall be carried by the treasurer to the credit of the local improvement rate; provided that it shall be lawful for the local board, if it should become necessary so to do, from time to time to make a rate or assessment not exceeding 1d. in the pound in any one year upon all property rateable to the improvement rate within such city or place for the purpose of raising as much money as, together with the said fees, fines, penalties, and forfeitures, shall be sufficient to pay the salaries of the magistrate and his clerk, the rent and all other expenses of the offices, and of law or other books, printing and stationery, and of all other charges and expenses connected with or incidental to the duties of the magistrate or his clerk; such rate or assessment to be made, levied, and enforced either with and as part of such improvement rate, or to be separately assessed, levied, and enforced, and with the same powers and in the same manner as the improvement rate. All fines, penalties, and forfeitures imposed by such magistrate, save and except those made payable to the informer who shall sue for the same, or any party aggrieved, and those recoverable under any act relating to the Customs, Excise, or Post Office, or to trade or navigation, or any branch of her Majesty's revenue, shall be recovered for and adjudged to be paid to the said treasurer of the said local

board, and shall be by him carried to the credit of the improvement rate, and be applied as part thereof: provided that, if under any local Watch Act such fines, penalties, and forfeitures shall have been already appropriated, the same shall be applied as directed by such local act, anything herein contained to the contrary notwithstanding.

## CAP. XCVIII.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.  
[28th July, 1863.]

## CAP. XCIX.

An Act to supply a Sum out of the Consolidated Fund and the Surplus Ways and Means to the Service of the Year 1863, and to appropriate the Supplies granted in this Session of Parliament.  
[28th July, 1863.]

## CAP. C.

An Act to render Owners of Dogs in Scotland liable in certain Cases for Injuries done by their Dogs to Sheep and Cattle.  
[28th July, 1863.]

Sect. 1. As to proof of previous propensity of dog to injure sheep, &c.

2. Who shall be deemed the owner of the dog.

3. Extent of act.

## CAP. CI.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.  
[28th July, 1863.]

## CAP. CII.

An Act to reduce the Duty on Rum in certain Cases.  
[28th July, 1863.]

## CAP. CIII.

An Act to amend the Law in certain Cases of Misappropriation by Servants of the Property of their Masters.  
[28th July, 1863.]

Sect. 1. *Servants taking their master's corn, &c., without authority, for the purpose of giving the same to their master's horses, &c., not guilty of felony, but shall be liable to imprisonment, &c. Power to justice to dismiss case if deemed too trifling.*

2. *Power to appeal against conviction.*

3. *No certiorari, &c.*

4. *Summary proceedings may be under the 11 & 12 Vict. c. 43. Except in London and the metropolitan police district.*

5. *Extent of act.*

6. *Commencement of act.*

Whereas the offence of taking corn or other food by a servant from the possession of his master, contrary to his orders, for the purpose of giving the same, or of having the same given, to the horses or other animals of such master, is by law a felony: and whereas it is desirable to alter the law in this respect: be it enacted &c., as follows:—

Sect. 1. If any servant shall, contrary to the orders of his master, take from his possession any corn, pulse, roots, or other food, for the purpose of giving the same, or of having the same given, to any horse or other animal belonging to or in the possession of his master, the servant so offending shall not, by reason thereof, be deemed guilty of or be proceeded against for felony, but shall, on conviction of such offence before two justices of the peace, at their discretion, either be imprisoned, with or without hard labour, for any term not exceeding three months, or else shall forfeit and pay such penalty as shall appear to them to be meet, not exceeding the sum of 5*l.*; and if such penalty shall not be paid, either immediately after the conviction, or within such period as the said justices shall at the time of the conviction appoint, the servant so offending shall be imprisoned, with or without hard labour, for any term not exceeding three months, unless such penalty be sooner paid: provided always, that if, upon the hearing of the charge, the said justices shall be of opinion that the same is too trifling, or that there are circumstances in the case which render it inexpedient to inflict

any punishment, they shall have power to dismiss the charge, without proceeding to a conviction: provided also, that if, upon the trial of any servant for feloniously taking from his master any corn, pulse, roots, or other food consumable by horses or other animals, such servant shall allege that he took the same under such circumstances as would constitute an offence punishable under this act, and thereof shall satisfy the jury charged with his trial, then it shall be lawful for such jury to return a verdict accordingly; and thereupon the court, before which such trial shall take place, shall proceed to award such punishment against such servant as may be awarded by two justices of the peace on the conviction of any person under the provisions of this act: provided also, that in case of non-payment of any penalty to be imposed by the court on such servant, he shall be imprisoned, with or without hard labour, for any term not exceeding three months, as the court shall order, unless such penalty be sooner paid.

2. Provided always, that if any person shall think himself aggrieved by any conviction under this act, such person may appeal to the next court of general quarter sessions of the peace which shall be holden not less than twelve days after the day of such conviction, for the county, riding, division, city, borough, or place wherein the cause of complaint shall have arisen: provided also, that such person shall give to the informant a notice, in writing, of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the said sessions, or shall enter into a recognisance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; or, if such appeal shall be against any conviction whereby only a penalty, with or without costs, is adjudged to be paid, shall deposit with the clerk of the convicting justices such a sum of money as such justices shall deem to be sufficient to cover the penalty and costs, if any, so adjudged to be paid, and the costs of the appeal; and upon such notice being given, and such recognisance being entered into, or such deposit being made, the justices before whom such recognisance shall be entered into or such deposit shall be made shall liberate such person, if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and in case of the affirmance of the conviction shall order and adjudge the appellant to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment; and in any case where after any such deposit shall have been made as aforesaid the conviction shall be affirmed, the court may order the penalty and costs, if any, thereby adjudged to be paid, together with the costs of the appeal, to be paid out of the money deposited, and the residue thereof, if any, to be repaid to the party convicted; and in any case where after any such deposit the conviction shall be quashed, the court shall order the money deposited to be repaid to the party convicted; and in every case where any conviction shall be quashed on appeal as aforesaid, the clerk of the peace or other proper officer of the court shall forthwith indorse on the conviction a memorandum that the same has been quashed; and whenever any copy or certificate of such conviction shall be made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction: provided that the right of appeal against any conviction under this act shall not apply so as to enable any person to appeal against any verdict of a jury as aforesaid.

3. No such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by certiorari into any of her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

4. Every offence under this act may be prosecuted and every conviction under this act may be enforced in the manner directed by the act of the session holden in the 11 & 12 Vict. c. 43; and all provisions contained in the said act shall,

unless repugnant to any of the provisions of this act, be applicable to such prosecution and conviction, in the same manner as if they were incorporated in this act: provided that nothing in this act contained shall in any manner alter or affect any enactments relating to procedure in the case of any offence punishable on summary conviction within the city of London or the metropolitan police district, or the recovery or application of any penalty for any such offence.

5. This act shall extend to England only.

6. This act shall commence and take effect from the 1st September, 1863.

#### CAP. CIV.

An Act for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Blackpool, Deal and Walmer, Exmouth, Rosehearty, Ilfracombe, Instow, Bangor, Chatham, Bray, Dartmouth, and Nairn. [28th July, 1863.]

#### CAP. CV.

An Act to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum. [28th July, 1863.]

Sect. 1. Stat. 17 Geo. 3, c. 30, &c., restraining negotiation in England of notes and bills for a limited sum, and sect. 17, and Schedules (C). and (D.), of stat. 8 & 9 Vict. c. 38, restraining negotiation in Scotland of like notes, &c., repealed.

2. Term of act three years.

#### CAP. CVI.

An Act to further amend the Law relating to the Conveyance of Land for Charitable Purposes. [28th July, 1863.]

Preamble recites stats. 24 & 25 Vict. c. 9; 9 Geo. 2, c. 36; and 25 & 26 Vict. c. 17.

Sect. 1. Every deed or assurance by which any land shall have been demised for any term of years for any charitable use shall, for all the purposes of the said recited acts, be deemed to have been made to take effect for the charitable use thereby intended immediately from the making thereof, if the term for which such land shall have been thereby demised was thereby made to commence and take effect in possession at any time within one year from the date of such deed of assurance.

#### CAP. CVII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [28th July, 1863.]

#### CAP. CVIII.

An Act to extend and make compulsory the Practice of Vaccination in Scotland. [28th July, 1863.]

- Sect. 1. Parochial boards to appoint vaccinators.
2. As to remuneration of vaccinators.
3. Registration districts.
4. Parochial boards to give notice of names of vaccinators.
5. Parochial boards, &c. to conform to regulations made by board of supervision.
6. Parochial boards to defray expense.
7. Medical treatment not to be considered parochial relief.
8. Parents or guardians to cause children to be vaccinated.
9. If the child be not in a fit state for vaccination, the medical officer to deliver a certificate to that effect, to be in force for two months.
10. If child is insusceptible of vaccine disease, medical practitioner to certify the same.
11. Registrar of births, &c. to deliver a printed notice to person registering the birth of any child.
12. In insular, highland, and other districts certain provisions of this act may be modified.
13. Stationery, books, &c., to be provided.
14. Registrar-general to frame forms and regulations.
15. Registrar of births, &c. to keep vaccination registers.
16. Fee to be paid to registrar for each person vaccinated.
17. Penalty on parent, &c. for not transmitting certificate of vaccination, &c. to registrar.

18. Parochial boards to issue orders for vaccination on receipt of list from registrar.
19. Returns to be made of number of children vaccinated.
20. Registrars to be subject to control of registrar-general.
21. Vaccinators to keep a book of persons vaccinated.
22. No certificate to be received as evidence unless recorded.
23. Vaccinator to transmit to registrar the particulars of certificates.
24. Penalty on persons inoculating so as to produce disease.
25. Recovery of penalties.
26. When proceedings for enforcing penalties may be raised.
27. Board of supervision to compel performance of acts and duties by parochial board.
28. Where no parochial board exists, heritors to act.
29. Disputes to be determined by sheriff.
30. Interpretation of terms.

## CAP. CIX.

An Act for remedying certain Defects in the Law relating to the Removal of Prisoners in Scotland.

[28th July, 1863.]

- Sect. 1. As to punishment of prisoners for misconduct during removal from one prison to another.
2. Sentences of penal servitude, &c. to be carried into effect by removal of offender from the bar to the chief local prison.

## CAP. CX.

An Act to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics.

[28th July, 1863.]

- Sect. 1. Confirmation of certain agreements between counties.
2. Explanation of sect. 8 of the 25 & 26 Vict. c. 86.
3. Short title.

Whereas, by the Lunatic Asylums Act, 1853, the justices of every county and borough are required to provide an asylum for the reception of their pauper lunatics; but power is given to two or more counties and boroughs to unite together for the purpose of providing an asylum for their common use: and whereas, by the said act, "county" is defined to include a county of a city or county of a town, and "borough" is defined to mean every borough, town, and city corporate having a quarter sessions, recorder, and clerk of the peace: and whereas, by the Lunacy Acts Amendment Act, 1862, it is provided that the word "county" shall not, except in the case of the city of London, mean a county of a city or county of a town: and whereas certain counties of towns have quarter sessions, but such quarter sessions are not held by a recorder: and whereas, at the date of the passing of the last-mentioned act, certain agreements were pending for the union, with a view to a common asylum, of certain counties, including counties of towns: and whereas it is expedient to confirm such agreements in certain cases, notwithstanding that, by virtue of the last-mentioned act, a county of a town is no longer included under the term "county," and is by such exclusion rendered incapable of carrying into effect such agreement: be it enacted &c., as follows:—

Sect. 1. Where, in pursuance of the Lunatic Asylums Act, 1853, an agreement for providing a common asylum has been duly entered into between divers counties, properly so called, and such agreement has been afterwards varied by the admission as a party thereto of a county of a city or county of a town, the original agreement shall be binding on the counties originally parties thereto, in the same manner as if no variation of such agreement had been made.

2. Whereas, by the 8th section of the Lunacy Acts Amendment Act, 1862, it is provided to the effect, that it shall be lawful for the visitors of any asylum, and the guardians of any parish or union within the district for which the asylum has been provided, to make arrangements, subject to such approval as therein mentioned, for the reception and care in the workhouse of the parish or union of a limited number of chronic lunatics, to be selected as therein mentioned: and whereas doubts are entertained whether the expression "chronic lunatics," therein mentioned, includes lunatics chargeable to parishes or unions other than the parish or

union into the workhouse of which they are proposed to be received: now it is hereby declared, that the words "chronic lunatics" in the said section include chronic lunatics chargeable to other parishes or unions, as well as chronic lunatics chargeable to the parish or union into the workhouse of which they are proposed to be received.

3. This act may be cited for all purposes as "The Lunacy Acts Amendment Act, 1863."

## CAP. CXI.

An Act to amend the Naval Medical Supplemental Fund Society Winding-up Act, 1861.

[28th July, 1863.]

- Sect. 1. Appointment of new trustees of society by First Lord of Admiralty on vacancies.
2. Repeal of sect. 8 of former act, and substitution of new provisions.
3. Construction of sects. 9 and 10 of former act.

## CAP. CXII.

An Act to regulate the exercise of Powers under special Acts for the Construction and Maintenance of Telegraphs.

[28th July, 1863.]

- Sect. 1. Short title.
2. Application of this act to all future telegraph companies, and also, subject to certain exceptions, to all existing telegraph companies.
3. Interpretation of terms.
4. Recovery of damages, costs, expenses, and penalties.
5. Provisions as to notices and consents.
6. General description of works which a telegraph company may execute, subject to the restrictions of this act.
7. Provision as to compensation.
8. Provision as to gas and water pipes.
9. Not to place telegraphs under streets in metropolis and large towns without consent of bodies having control of the streets.
10. Depth, course, &c. of underground works to be agreed on between street or road authority and company, or else to be determined by justices or sheriff.
11. Underground tubes to have distinguishing mark.
12. Company not to place a telegraph along a street or road without consent of body having control of street, &c. As to where a public road passes through parks, pleasure-grounds, &c.
13. Where landowner, &c. is liable to repair of street, &c., company not to place works in such street, &c. without consent. Proviso.
14. In case of abandonment of works, &c., street or road authority or owner of land may remove them.
15. In event of alteration of street or road, company to remove and replace the works under or over the same.
16. Removal of dangerous posts placed before passing of this act.
17. Streets and public roads to be opened only after notice, and under superintendence.
18. Streets and public roads to be restored and kept in repair for six months. Penalty.
19. Power to street or road authorities to execute works, and charge the expenses to the company.
20. Restrictions on impediments to traffic.
21. As to works affecting Crown property.
22. Company not to place telegraphs above ground, and posts, within certain distances of dwelling-houses, without consent of occupier, &c.
23. Notices to be published, and left at dwelling-houses, of intended telegraph along street or public road, after consent of street or road authority obtained.
24. Power to owner or occupier of adjoining land or building to object.
25. Until objection settled, works to be stayed.
26. Examination and inquiry to be made by Board of Trade.
27. Powers of Board of Trade respecting the objection.
28. Decision of Board of Trade final.
29. Costs.

30. For building or other purposes, owner, &c. may require removal of works.
31. Removal of injurious works constructed before this act.
32. For works affecting railways, canals, &c., consent of directors, &c. requisite.
33. Access from future docks to canal.
34. Board of Trade may in any case appoint arbitrator.
35. For works on seashore, consent of proprietors of shores and conservancy or other authorities requisite.
36. Plan of such works to be subject to approval of Board of Trade.
37. Lights and signals for such works.
38. Power of Board of Trade as to such works if disused &c.
39. Local survey of such works by Board of Trade.
40. Recovery of expenses by Board of Trade in such cases.
41. Telegraph to be open for all messages, without preference; subject to leases.
42. Company to be responsible for all damages.
43. Sale, &c. of undertaking and leases of wires (with exceptions) prohibited, except with consent of Board of Trade.
44. Registered office of company for service of documents.
45. Punishment of officers of company for misconduct respecting messages.
46. Saving for effect of future general acts.
47. Certain enactments in special acts not affected by this act.
48. Messages on her Majesty's service to have priority.
49. On request of Board of Trade, company to place telegraph.
50. On refusal or neglect of company, power to Board of Trade to place such telegraph.
51. Remuneration of company for placing such telegraph.
52. In emergencies, telegraphs may be taken possession of for her Majesty's service.
53. Power to proceed against company given to law officers of Crown on certificate of Board of Trade.

Be it enacted &c., as follows:—

#### Preliminary.

Sect. 1. This act may be cited as "The Telegraph Act, 1863."

2. This act shall apply—

- (1). To every company to be hereafter authorised by special act of Parliament to construct and maintain telegraphs:
- (2). To every company so authorised before the passing of this act by any such special act, notwithstanding anything in any such special act contained—but so that, except as hereinafter expressly provided, nothing in this act shall give to any owner, lessee, or occupier of land, or other person, or to any body, as against any such company as last aforesaid, in respect of anything lawfully done before the passing of this act by such company under any such special act, any further or other right, power, jurisdiction, authority, or remedy, than he or they would have had if this act had not been passed: provided also, that nothing in this act shall interfere with the maintenance or repair, under any such special act, of any work lawfully constructed before the passing of this act by any such company under any such special act, or with the increasing of the number of the wires forming part of any such work; and that nothing in this act shall relieve any such company from any obligation or liability under any agreement made before the passing of this act, or shall make lawful any work constructed by the company before the passing of this act which is the subject of any proceedings at law or in equity pending at the passing of this act, or which has been constructed without such consent as was required for the construction thereof before the passing of this act.

3. In this act—

The term "the company" means any company to be hereafter authorised as aforesaid (hereinafter distinguished by the term "future company"), or any company already so authorised (hereinafter distinguished by the term "existing company"):

The term "telegraph" means a wire or wires used for the purpose of telegraphic communication, with any casing, coating, tube, or pipe inclosing the same, and any apparatus connected therewith for the purpose of telegraphic communication:

The term "post" means a post, pole, standard, stay, strut, or other aboveground contrivance for carrying, suspending, or supporting a telegraph:

The term "work" includes telegraphs and posts:

The term "street" means a public way situate within a city, town, or village, or between lands continuously built upon on either side, and repaired at the public expense, or at the expense of any turnpike or other public trust, or ratione tenuræ, including the footpaths of such way, and any bridge forming part thereof:

The term "public road" means a public highway for carriages being repaired at the public expense, or at the expense of any turnpike or other public trust, or ratione tenuræ, and not being a street, including the footpaths of such public highway, and any bridge forming part thereof, and also any land by the side and forming part of such a public highway, but not including a railway or canal:

The term "railway" includes any station, work, or building connected with a railway:

The term "canal" includes navigation or navigable river, and any dock, basin, towing-path, wharf, work, or building connected with a canal:

The term "land" means land not being a street, or public road, and not being land by the side and forming part of a public road, and includes land laid out for and proposed by the owner to be converted into a street or public road:

The term "body" includes a body of trustees or commissioners, municipal corporation, grand jury, board, vestry, company, or society, whether incorporated or not; and any provision referring to a body applies to a person, as the case may require:

The term "person" includes corporation aggregate or sole:

The term "the Board of Trade" means the Lords of the Committee of her Majesty's Privy Council for the time being appointed for the consideration of matters relating to trade and foreign plantations:

The term "justice" means justice of the peace acting for the place where the matter requiring the cognisance of any such justice arises:

The term "two justices" means two or more justices met and acting together, or any one police magistrate or justice having by law authority to act alone for any purpose with the powers of two justices:

The term "sheriff" means the sheriff depute of the county or ward of a county in Scotland, and the steward depute of the stewartry in Scotland, in which the matter submitted to the cognisance of the sheriff arises, and includes the substitutes of such sheriff depute and steward depute respectively.

4. The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, and the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff, or to justices, shall, so far as the same are applicable, and save so far as the same are inconsistent with any express provision of this act, be incorporated with this act; and the terms used in those provisions shall be interpreted as the same terms are directed to be interpreted in this act.

5. The following provisions shall apply to notices and consents under this act:—

- (1). Every notice or consent shall be in writing or print, or partly in writing and partly in print:
- (2). Any notice to or by the company or a body having

the control of a street or public road, or of the sewerage or drainage thereunder, may be given to or by the secretary, clerk, or surveyor, or other like officer (if any) of the company, or of such body, as the case may be:

- (5). Any consent may be given on such pecuniary or other terms or conditions (being in themselves lawful), or subject to such stipulations as to the time or mode of execution of any work, or as to the removal or alteration, in any event, of any work, or as to any other thing connected with or relative to any work, as the person or body giving consent thinks fit.

*General Powers of Company.*

6. Subject to the restrictions and provisions hereinafter contained, the company may execute works as follows:—

- (1). They may place and maintain a telegraph under any street or public road, and may alter or remove the same:
- (2). They may place and maintain a telegraph over, along, or across any street or public road, and place and maintain posts in or upon any street or public road, and may alter or remove the same:
- (3). They may, for the purposes aforesaid, open or break up any street or public road, and alter the position thereunder of any pipe (not being a main) for the supply of water or gas:
- (4). They may place and maintain a telegraph and posts under, in, upon, over, along, or across any land or building, or any railway or canal, or any estuary or branch of the sea, or the shore or bed of any tidal water, and may alter or remove the same:

Provided always, that the company shall not be deemed to acquire any right other than that of user only in the soil of any street or public road under, in, upon, over, along, or across which they place any work.

7. In the exercise of the powers given by the last foregoing section the company shall do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation (Scotland) Act 1845, respectively, and any act amending those acts, for the determination of the amount and application of compensation for lands taken or injuriously affected.

8. In the exercise of the aforesaid powers, the company shall also be subject to the following restrictions:—

- (1). They shall cause as little detriment or inconvenience as circumstances admit to the body or person to or by whom any pipe for the supply of water or gas belongs or is used:
- (2). Before they alter the position of any such pipe they shall give to the body to whom the same belongs notice of their intention to do so, specifying the time at which they will begin to do so; such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration:
- (3). The company shall not execute such work except under the superintendence of the body to whom such pipe belongs, unless such body refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work, or discontinues the same during the work; and the company shall execute such work to the reasonable satisfaction of such body:
- (4). The company shall pay all reasonable expenses to which such body may be put on account of such superintendence:

And the body to whom any such pipe belongs may, when and as occasion requires, alter the position of any work of the company already constructed, or to be hereafter constructed, under, in, or upon a street or public road, on the same conditions as are by the last foregoing and present sections imposed on the company in relation to such a body mutatis mutandis.

*Restrictions as to Telegraphs under Streets and public Roads.*

9. The company shall not place a telegraph under any street within the limits of the district over which the authority

of the Metropolitan Board of Works extends, or of any city or municipal borough or town corporate, or of any town having a population of 30,000 inhabitants or upwards (according to the latest census), except with the consent of the bodies having the control of the streets within such respective limits.

10. Where the company has obtained consent to the placing, or by virtue of the powers of the company under this act intends to proceed with the placing, of a telegraph under a street or public road, the depth, course, and position at and in which the same is to be placed shall be settled between the company and the following bodies:

The body having the control of the street or public road:

The body having the control of the sewerage or drainage thereunder:

But if such settlement is not come to with any such body, the following provisions shall take effect:—

- (1). The company may give to such body a notice specifying the depth, course, and position which the company desires:
- (2). If the body to whom such notice is given does not, within twenty-eight days after the giving of such notice, give to the company a counter-notice objecting to the proposal of the company, and specifying the depth, course, and position which such body desires, they shall be deemed to have agreed to the proposal of the company:
- (3). In the event of ultimate difference between the company and such body, the depth, course, and position shall be determined in England or Ireland by two justices, and in Scotland by two justices or the sheriff.

11. Every underground tube or pipe of the company shall be so marked as to distinguish it from tubes or pipes of every other company.

12. The company shall not place a telegraph over, along, or across a street or public road, or a post in or upon a street or public road, except with the consent of the body having the control of such street or public road; and where a public road passes through or by the side of any park or pleasure grounds, and where a public road crosses, by means of a bridge or viaduct, or abuts on any ornamental water belonging to any park or pleasure grounds, and where a public road crosses or abuts on a private drive through any park or pleasure grounds, or to any mansion, the company shall not, without, or otherwise than in accordance with, the consent of the owner, lessee, and occupier of such park, pleasure grounds, or mansion, place any work above ground on such public road.

13. Where any landowner or other person is liable for the repair of any street or public road (notwithstanding that the same is dedicated to the public), the company shall not place any work under, in, upon, over, along, or across such street or public road, except with the consent of such landowner or other person, in addition to the consent of the body having the control of such street or public road, where under this act such last-mentioned consent is required: provided, that where the company places a telegraph across or over any street or public road they shall not place it so low as to stop, hinder, or interfere with the passage for any purpose whatsoever along the street or public road.

*Removal of Works affecting Streets and public Roads.*

14. In the following cases—

- (1). If any part of the company's works is abandoned, or suffered to fall into decay;
- (2). If the company is dissolved, or ceases for six months to carry on business;

the body having the control of any street or public road, or the owner of any land or building affected, in the former case, by such part of the company's works as aforesaid, or, in the latter case, by any of the company's works, may give notice to the company, or leave a notice at the last known office or place of business of the company, to the effect that if such works as are specified in the notice are not removed within one month after the notice given or left, the same will be removed by the body having such control, or by such owner; and in every such case, unless such works are removed accordingly, the body having such control or such owner may, without prejudice to any remedy against the company, remove such works, or any part thereof, and sell the materials



thereof or of any part thereof, and, out of the proceeds of such sale, reimburse themselves their expenses relative to such notice, removal, and sale, and consequent thereon (rendering the overplus, if any, to the company), and may recover any unpaid residue of such expenses from the company. The present section shall apply to an existing company, in respect of any work already constructed or to be hereafter constructed, as well as to a future company.

15. In case the body having the control of any street or public road at any time hereafter resolves to alter the line or level of any portion of such street or road under, in, upon, over, along, or across which any work of the company constructed either before or after the passing of this act is placed, the company shall from time to time be bound, on receiving one month's notice of such intended alteration, and at their own expense, to remove such work, and to replace the same in such position and manner in all respects as may be required by such body, or, in the event of difference between such body and the company, in such position and manner in all respects as may be determined in England or Ireland by two justices, and in Scotland by two justices or the sheriff.

16. Where the company has, before the passing of this act, placed posts in or upon a street or public road, and the body having the control of the street or road considers the position of any such post to be dangerous or inconvenient, the following provisions shall take effect:—

- (1). Such body may give to the company a notice requiring them to remove or alter the position of such post, and specifying the grounds of such requisition:
- (2). The company either shall, within fourteen days after receipt of such notice, remove or alter the position of the post in accordance with the notice; or else, if they do not intend to remove or alter the position of the post in accordance with the notice, shall, within one week after receipt of the notice, deliver to such body a counter-notice, specifying their objection to such removal or alteration:
- (3). Such body may send copies of the notice and counter-notice to the Board of Trade:
- (4). As soon as may be after receipt of such copies, the Board of Trade shall (unless the difference between the body giving the notice and the company is arranged) make inquiry and examination, and hear and determine the matter of the notice and counter-notice:
- (5). On hearing any such matter, the Board of Trade may direct that the company shall comply with the notice, wholly or in part, or subject to any such modifications as the Board of Trade prescribes, or on condition that the body giving the notice shall afford to the company all reasonable and proper facilities in their power for substituting some other work for that to which the notice relates, or on any such other condition as to the Board of Trade seems, according to the circumstances of the case, just and expedient, and the expenses incurred in or about such removal or alteration shall be borne and paid by the company or by the body giving the notice, or partly by one and partly by the other, as to the Board of Trade seems, according to the circumstances of the case, just and expedient, the amount of such expenses to be determined in case of difference by the Board of Trade.

#### *Restrictions as to the opening of Streets and public Roads.*

17. Subject to any special stipulations made with a company by the body having the control of a street or public road, and to any determinations, orders, or directions of the justices, or sheriff as aforesaid, where the company proceeds to open or break up a street or public road, the following provisions shall take effect:—

- (1). The company shall give to the bodies between whom respectively and the company the depth, course, and position of a telegraph under such street or public road are hereinbefore required to be settled or determined, notice of their intention to open or break up such street or public road, specifying the time at which they will begin to do so—such notice to be given, in the case of an underground work, ten days at least, and in the case of an aboveground work, five days at least, before the commencement

of the work; except in case of emergency, in which case notice of the work proposed shall be given as soon as may be after the commencement thereof:

- (2). The company shall not (save in case of emergency) open or break up any street or public road, except under the superintendence of the bodies to whom respectively notice is by the present section required to be given, unless such bodies respectively refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the work:
- (3). The company shall pay all reasonable expenses to which such bodies respectively may be put on account of such superintendence.

18. Subject to any such special stipulations as aforesaid, after the company has opened or broken up a street or public road, they shall be under the following further obligations:—

- (1). They shall, with all convenient speed, complete the work on account of which they opened or broke up the same, and fill in the ground, and make good the surface, and generally restore the street or public road to as good a condition as that in which it was before being opened or broken up, and carry away all rubbish occasioned thereby:
- (2). They shall in the meantime cause the place where the street or public road is opened or broken up to be fenced and watched, and to be properly lighted at night:
- (3). They shall pay all reasonable expenses of keeping the street or public road in good repair for six months after the same is restored, so far as such expenses may be increased by such opening or breaking up:

If the company fails to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the right of any person to enforce specific performance of the requirements of this act, or to any other remedy against them), be liable to a penalty not exceeding 20*l.*, and to a further penalty not exceeding 5*l.* for each day during which any such failure continues after the first day when such penalty was adjudged; and any such penalty shall (notwithstanding anything hereinbefore, or in any act relating to municipal corporations, or to the metropolitan police force, or in any other act, contained) go and belong to the body having the control of the street or public road, and shall form part of the funds applicable by them to the maintenance of the street or public road.

19. Whenever the permanent surface or soil of any street or public road is broken up or opened by the company, it shall be lawful for the body having the control of the street or road, in case they think it expedient so to do, to fill in the ground, and to make good the pavement or surface or soil so broken up or opened, and to carry away the rubbish occasioned thereby, instead of permitting such work to be done by the company; and the costs and expenses of filling in such ground, and of making good the pavement or soil so broken up or opened, shall be repaid, on demand, to the body having the control of the street or road by the company, and in default thereof may be recovered by the body having the control of the street or road from the company as a penalty is or may be recoverable from the company.

20. The company shall not stop or impede traffic in any street or public road, or into or out of any street or public road, further than is necessary for the proper execution of their works. They shall not close against traffic more than one-third in width of any street or public road, or of any way opening into any street or public road, at one time; and in case two-thirds of such street or road are not wide enough to allow two carriages to pass each other, they shall not occupy with their works at one time more than fifty yards in length of the one-third thereof, except with the special consent of the body having the control thereof.

#### *Restrictions as to Works affecting private or Crown Property.*

21. The company shall not place any work by the side of any land or building, so as to stop, hinder, or interfere with ingress or egress for any purpose to or from the same, or place any work under, in, upon, over, along, or across any land or building, except with the previous consent in every case of the owner, lessee, and occupier of such land or build-

land, which consent, in case of any land or building belonging to or enjoyed by the Queen's most excellent Majesty in right of her Crown, may be given by the Commissioners for the time being of her Majesty's Woods, Forests, and Land Revenues, or one of them, on behalf of her Majesty: provided always, that with respect to lands and buildings situate within the limits of the district over which the authority of the Metropolitan Board of Works extends (hereinafter referred to as the metropolis), or within the limits of any city or municipal borough or town corporate, or any town having a population of 30,000 inhabitants or upwards, according to the latest census (hereinafter referred to as a city or large town), if the body having the control of any street in the metropolis or a city or large town, consents to the placing of works by the company in, upon, over, along, or across that street, then and in every such case that consent shall (unless it is otherwise provided by the terms thereof), be sufficient authority for the company, without any further consent, except as to any land or building belonging to or enjoyed by her Majesty in right of her Crown, to place and maintain a telegraph over, along, or across any building adjoining to or near the street, and situate within the limits of the district over which the powers of the consenting body extend, or over, along, or across any land, not being laid out as building land, or not being a garden or pleasure ground, adjoining to or near the street, and situate within the same limits, subject nevertheless to the following provisions:—

- (1). Twenty-one days at least before the company proceeds to place a telegraph by virtue of the authority so conferred, they shall publish a notice stating they have obtained the consent of such body as aforesaid, and describing the intended course of such telegraph:
- (2). Where the company, by virtue of the authority so conferred, places a telegraph directly over any dwelling-house, they shall not place it at a less height above the roof thereof than six feet, if the owner, lessee, or occupier thereof objects to their placing it at a less height:
- (3). If at any time the owner, lessee, or occupier of any building or land adjoining to a building, directly over which building or land the company, by virtue of the authority so conferred, places a telegraph, desires to raise the building to a greater height, or to extend it over such land, the company shall increase the height, or otherwise alter the position of the telegraph, so that the same may not interfere with the raising or extension of the building, within fourteen days after receiving from the owner, lessee, or occupier, a notice of his intention to raise or extend the building; or in case of difference between the company and the owner, lessee, or occupier, as to his intention, then within fourteen days after receiving a certificate, signed by a justice of the peace, certifying that he is satisfied of the intention of the owner, lessee, or occupier, to raise or extend the building:
- (4). The company shall make full compensation to the owner, lessee, and occupier of any land or building over, along, or across which the company, by virtue of the authority so conferred, places a telegraph, and which may be shown to be in any respect prejudicially affected thereby, the amount of such compensation to be determined in manner provided by the said Lands Clauses Consolidation Acts respectively, and any act amending those acts, for the determination of the amount of compensation with respect to lands injuriously affected:

Provided also, that the consent of any person occupying as a tenant from year to year only shall not be required, nor shall any person so occupying be entitled to such compensations aforesaid.

32. Subject and without prejudice to the foregoing provisions, the company shall not place a telegraph above ground, or a post, within ten yards of a dwelling-house, or place a telegraph above ground across an avenue or approach to a dwelling-house, except subject and according to the following restrictions and provisions:—

- (1). They shall in each such case obtain the consent of the occupier; if any, of such dwelling-house; and if

there is no occupier, then of the lessee entitled to possession; and if there is none, then of the owner:

- (2). The consent of an occupier shall be effective only during the continuance of his occupation:
- (3). On the termination of the occupation of any occupier, the lessee or owner entitled to possession, if he did not consent to the placing of the telegraph or post, may give notice to the company that he requires it to be removed:
- (4). The company shall remove the same accordingly within one month after receiving such notice:
- (5). If any question arises between a lessee or owner and the company as to such removal, or the time or mode thereof, the same shall be referred to the determination in England or Ireland of two justices, and in Scotland of two justices or the sheriff, which justices or sheriff may give such directions as to such removal, and the time and mode thereof, as may seem reasonable, and may impose on the company, for not carrying such directions into effect, such penalty, not exceeding 5*l.* a day, as may seem just.

33. Before the company proceeds to place a telegraph over, along, or across a street (not being a street in the metropolis or in a city or large town) or a public road, or to place posts in or upon a street (not being such a street as aforesaid) or a public road, they shall publish a notice stating that they have obtained the consent in that behalf of the body having the control of the street or public road, and describing the intended course of the telegraph:—

- (1). By affixing such notice on some conspicuous places by the side of the part of the street or road affected, at distances of not more than one mile apart:
- (2). By leaving such notice at every dwelling-house fronting on the part of the street or road affected, and being within fifty feet thereof:
- (3). By inserting such notice as an advertisement, once at least in each of two successive weeks, in some one and the same local newspaper circulating in the neighbourhood of the part of the street or road affected:

And they shall not so place any such telegraph or post until the expiration of twenty-one days from the last publication of such advertisement.

34. At any time during such twenty-one days the owner, lessee, or occupier of any land or building adjoining to either side of such street or road, may give to the company notice of his objection to their intended works as prejudicially affecting such land or building, and send to the Board of Trade a copy of his notice of objection:

35. Until such objection is settled, or is determined in manner hereinafter provided, the company shall not execute that part of their intended works to which the objection relates.

36. As soon as may be after the receipt of such copy of notice of objection, the Board of Trade shall (unless the difference between the company and the person objecting is arranged) make inquiry and examination, and hear and determine the matter of the objection.

37. On hearing any such objection the Board of Trade—

- (1). may allow the objection, wholly or in part; or
- (2). may authorise the company to proceed with their works, subject to the provisions of this act, according to their published notice, paying to the owner, lessee, or occupier objecting, full compensation (the amount thereof to be determined, in case of difference, by the Board of Trade) for any damage done to him; or
- (3). may authorise the company to so proceed subject to any such conditions as to the time or mode of execution of any work, or as to the removal or alteration in any event of any work, or as to any other thing connected with or relative to any work, as the Board of Trade thinks fit; or
- (4). may authorise the company to so proceed, subject to any such modification of any intended work as the Board of Trade prescribes; but so that in that case such notice and opportunity of objecting and being heard as the Board of Trade directs, shall be given to any owner, lessee, or occupier, whom such modification may affect.

28. The determination of the Board of Trade on the matter of any such objection shall be final and conclusive.

29. The Board of Trade may allow to any owner, lessee, or occupier so objecting, such costs as seem just, to be paid by the company.

*Removal or Alteration of Works affecting Land or Buildings.*

30. Where, at any time before or after the passing of this act, the company has constructed any work under, in, upon, over, along, or across any land or building, or any street or public road adjoining to or near any land or building, and any owner, lessee, or occupier of such land or building, or any lord of a manor, or other person having any interest in such land or building, desires to build upon or inclose such land, or in any manner to improve or alter such land or building, or to use such land or building in some manner in which it was not actually used at the time of the construction of such work by the company, and with which the continuance of such work would interfere, then and in every such case the following provisions shall take effect:—

- (1). Such owner, lessee, occupier, lord of a manor, or other person interested, may give to the company a notice specifying the nature of such intended building, inclosure, improvement, alteration, or other use of the land or building, including ingress or egress thereto or therefrom, and requiring the company to remove or alter their work so that the same may not interfere therewith:
- (2). Within fourteen days after the receipt of such notice, or in case of difference between the company and the person giving the same as to his intention, then within fourteen days after the receipt of a certificate, signed by a justice of the peace, certifying that he is satisfied of the intention of such person to make such building, inclosure, improvement, alteration, or other use of the land or building, and that the continuance of such work would interfere therewith, the granting of such certificate being deemed to be a matter referred to the determination of the justice so certifying, the company shall remove or alter their work so that the same shall not interfere with such intended building, inclosure, improvement, alteration, or other use of the land or building:
- (3). When such certificate is required by the company the costs thereof, when obtained, shall be paid by the company to the person giving the notice:
- (4). Nothing herein shall empower any person to obtain the removal or alteration of any work contrary to the terms of any grant or consent in writing made or given by him, or by any person through whom he takes his estate or interest.

31. Where the company has, before the passing of this act, constructed any work under, in, upon, over, along, or across a street or public road, and the owner, lessee, or occupier of any land or building adjoining to or near the street or public road considers such land or building to be prejudicially affected by such work, then the following provisions shall take effect:

- (1). Such owner, lessee, or occupier may give to the company a notice requiring them to remove or alter such work, and specifying the grounds of such requisition:
- (2). The company either shall, within one month after receipt of such notice, remove or alter the work in accordance with the notice, or else if they do not intend to remove or alter the work in accordance with the notice, shall, within one week after receipt of the notice, deliver to the person giving the notice a counter-notice, specifying their objection to such removal or alteration:
- (3). The person giving the notice may send copies of the notice and counter-notice to the Board of Trade:
- (4). As soon as may be after receipt of such copies the Board of Trade shall (unless the difference between the person giving the notice and the company is arranged) make inquiry and examination, and hear and determine the matter of the notice and counter-notice:
- (5). Such owner, lessee, or occupier shall be entitled to obtain a direction from the Board of Trade for the

removal or alteration of such work in every case where it appears to the Board of Trade that such land or building is prejudicially affected by such work, and that the removal or alteration thereof may be effected consistently with a due regard to the efficient working of the company's telegraph, such direction nevertheless to be given on such terms and conditions as to the Board of Trade seem, according to the circumstances of the case, just and expedient, including, if it seems expedient, the condition of the payment by such owner, lessee, or occupier of any expense incurred by the company in or about such removal or alteration, the amount thereof to be determined in case of difference by the Board of Trade:

- (6). Nothing herein shall empower any person to obtain the removal or alteration of any work contrary to the terms of any grant or consent in writing made or given by him, or by any person through whom he takes his estate or interest.

*Restrictions as to Works affecting Railways and Canals.*

32. The company shall not place any work under, in, upon, over, along, or across any railway or canal, except with the consent of the proprietors or lessees, or of the directors or persons having the control thereof. But this provision shall not restrict the company from placing any work (subject and according to the other provisions of this act) under, in, upon, over, along, or across any street or public road, although such street or public road may cross or be crossed by a railway or canal, so that such work do not damage the railway or canal, or interfere with the use, alteration, or improvement thereof.

33. If at any time after the company has placed any work under, in, upon, over, along, or across any canal, any person having power to construct docks, basins, or other works upon any land adjoining to or near such canal constructs any dock, basin, or work on such land, but is prevented by the company's work from forming a communication for the convenient passage of vessels with or without masts between such dock, basin, or other work, and such canal, or if the business of such dock, basin, or other work is interfered with by reason or in consequence of any such work of the company, then the company, at the request of such person, and on having reasonable facilities afforded them by him for placing a telegraph round such dock, basin, or other work, under, in, upon, over, along, or across land belonging to or under his control, shall remove and place their work accordingly. If any dispute arises between the company and such person as to the facilities to be afforded to the company, or as to the direction in which the telegraph is to be placed, it shall be determined by the Board of Trade.

*Appointment of Arbitrator by Board of Trade.*

34. If in any case where any matter is hereinbefore authorised or directed to be determined by the Board of Trade, it appears to the Board of Trade to be expedient, for convenience of local investigation, or for any other reason, that the matter should be determined by an arbitrator, the Board of Trade may, notwithstanding anything hereinbefore contained, and whether the Board of Trade has entered on the investigation or not, refer the matter to some competent and impartial person as arbitrator; and with respect to the matter so referred any such arbitrator shall have the like authority and jurisdiction as the Board of Trade has under this act, and his determination shall have the same effect as a determination of the Board of Trade under this act. The reasonable expenses and remuneration of the arbitrator (to be settled, in case of difference, by the Board of Trade) shall be paid by the company.

*Restrictions of to Works affecting Seashore.*

35. The company shall not place any work under, in, upon, over, along, or across any estuary or branch of the sea, or the shore or bed of any tidal water, except with the consent of all persons and bodies having any right of property, or other right, or any power, jurisdiction, or authority in, over, or relating to the same, which may be affected, or be liable to be affected, by the exercise of the powers of the company (which consent, where her Majesty, in right of her Crown, is interested, may be given on behalf of her Majesty by the Commissioners for the time being of her Majesty's Woods,

Forests, and Land Revenues, or one of them, in writing signed by them or him).

36. Before commencing the construction of any such work as last aforesaid, or of any buoy or sea-mark connected therewith, except in cases of emergency for repairs to any work previously constructed or laid, and then, as speedily after the commencement of such work as may be, the company shall deposit at the office of the Board of Trade a plan thereof for the approval of the Board of Trade. The work shall not be constructed otherwise than in accordance with such approval. If any work is constructed contrary to this provision, the Board of Trade may, at the expense of the company, abate and remove it, or any part of it, and restore the site thereof to its former condition.

37. Notwithstanding anything in the Merchant Shipping Act, 1854, or any act amending the same, contained, the company may, in or about the construction, maintenance, or repair of any such work, use on board ship or elsewhere any light or signal allowed by any regulation to be made in that behalf by the Board of Trade.

38. If any such work, buoy, or sea-mark is abandoned, or suffered to fall into decay, the Board of Trade may, if and as they think fit, at the expense of the company, either repair and restore it, or any part of it, or abate and remove it, or any part of it, and restore the site thereof to its former condition.

39. The Board of Trade may at any time, at the expense of the company, cause to be made a survey and examination of any such work, buoy, or sea-mark, or of the site thereof.

40. Whenever the Board of Trade, under the authority of this act, does, in relation to any such work, any act or thing which they are by this act authorised to do at the expense of the company, the amount of such expense shall be a debt due to the Crown from the company, and shall be recoverable as such, with costs, or the same may be recovered, with costs, as a penalty is or may be recoverable from the company.

#### *General Obligations and Liabilities of Company and their Servants.*

41. Every telegraph of the company shall be open for the messages of all persons alike, without favour or preference; but this provision shall not prejudicially affect the operation of any lease or agreement authorised by this act.

42. The company shall be answerable for all accidents, damages, and injuries happening through the act or default of the company, or of any person in their employment by reason or in consequence of any of the company's works, and shall save harmless all bodies having the control of streets or public roads, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents and injuries.

43. The company shall not sell, transfer, or lease their undertaking or works, or any part thereof, to any other company, or to any body or person, except with the consent of the Board of Trade previously obtained for such sale, transfer, or lease; but this provision shall not, as far as it relates to leases, apply to the Universal Private Telegraph Company, constituted, by the special act of 1861, in the schedule to this act mentioned, and shall not restrict the granting of any lease by the company in pursuance of any agreement in that behalf made before the 12th February, 1863, and shall not restrict the making or carrying into effect by any company of any arrangement with any person for providing any work for his private use only.

44. The company, before exercising any power for the construction of works or the opening or breaking up of streets or public roads in any one of the three parts of the United Kingdom, shall give to the registrar of joint-stock companies acting for that part of the United Kingdom under the Companies Act, 1862, notice of the situation of some office where notices may be served on the company within that part of the United Kingdom; and the company shall from time to time give to such registrar notice of any change in the situation of such office: every such notice shall be recorded by the registrar, and the record thereof may be inspected from time to time by any person: the delivery at the office of which notice is so given of any notice, writ, summons, or other document addressed to the company shall, for the purposes of this act and all other purposes, be deemed good service on the company: the company shall, on giving each notice to

the registrar under the present section, pay such fee as is payable under the last-mentioned act on registration of any document by that act required or authorised to be registered, other than a memorandum of association; and every person inspecting the record of such notice with the registrar shall pay such fee as is for the time being payable under the last-mentioned act for inspection of documents kept by the registrar under that act.

45. If any person in the employment of the company—

Willfully or negligently omits or delays to transmit or deliver any message;

Or by any wilful or negligent act or omission prevents or delays the transmission or delivery of any message;

Or improperly divulges to any person the purport of any message—

He shall for every such offence be liable to a penalty not exceeding 20*l*.

46. Nothing in this act, and nothing in any future special act, except so far as express provision to the contrary hereof may be thereby made, shall relieve the company from being subject to any restrictions, regulations, or provisions which may hereafter be made by act of Parliament respecting telegraphs or telegraph companies or their charges.

#### *Saving as to Restrictions on and Duties of existing Companies.*

47. Nothing in this act shall affect any of the enactments specified in the schedule to this act.

#### *Powers of her Majesty's Government over Company.*

48. If one of her Majesty's Principal Secretaries of State, or the Board of Trade, or other department of her Majesty's Government, requires the company to transmit any message on her Majesty's service, such message shall (notwithstanding anything hereinbefore contained) have priority over all other messages; and the company shall as soon as reasonably transmit the same, and shall, until transmission thereof, suspend the transmission or all other messages.

49. On the request of the Board of Trade, the company shall from time to time place and shall maintain such a telegraph as the Board of Trade appoints, to be for the exclusive use of her Majesty, and to be applied to such purposes, whether for the immediate service of her Majesty, or otherwise, as her Majesty thinks fit.

50. If the company refuses or neglects to place a telegraph in accordance with such request, the Board of Trade may cause such a telegraph to be placed in connexion with any of the company's works, by such persons and in such manner as the Board of Trade thinks fit, and for that purpose shall have and may exercise all the powers under this act or otherwise vested in the company; subject, nevertheless, to the restrictions and provisions under this act or otherwise applicable to the company, and without prejudice to the exercise by the company of the powers under this act or otherwise vested in them.

51. Where the company places a telegraph, in pursuance of such request of the Board of Trade, the Commissioners of her Majesty's Treasury shall pay to the company, as remuneration for the same, out of money to be provided by Parliament for the purpose, such sum, annual or in gross, or both, as may be settled between the Board of Trade and the company by agreement, or, in case of difference, by arbitration; such arbitration to be conducted as follows:—

(1). The Board of Trade and the company shall each, within fourteen days after the delivery by one to the other of a demand in writing for an arbitration, nominate an arbitrator:

(2). The two arbitrators nominated shall, before entering on the arbitration, nominate an umpire:

(3). If either party or arbitrator makes default in nominating an arbitrator or umpire within fourteen days after receiving from the other a demand in writing for such nomination, the Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster may, on the request of the Board of Trade, or of the company, by writing under his hand, nominate an arbitrator or umpire:

(4). The arbitrators shall make their award within twenty-eight days after their nomination, otherwise the matter shall be left to be determined by the umpire:

- (5). The umpire shall make his award within twenty-eight days after notice from the arbitrators or one of them that the matter is left to be determined by him; or, on default, a new umpire shall be appointed as nearly as may be in manner aforesaid, who shall make his award within the like time, or on default be superseded; and so toties quoties :

The award of the arbitrators or umpire shall be final and conclusive as between the Board of Trade and the company.

52. Where, in the opinion of one of her Majesty's Principal Secretaries of State, an emergency has arisen in which it is expedient for the public service that her Majesty's Government should have control over the transmission of messages by the company's telegraphs, the Secretary of State, by warrant under his hand, may direct and cause the company's works, or any part thereof, to be taken possession of in the name and on behalf of her Majesty, and to be used for her Majesty's service, and, subject thereto, for such ordinary service as may seem fit; or may direct and authorise such persons as he thinks fit to assume the control of the transmission of messages by the company's telegraphs, either wholly or partly, and in such manner as he directs. Any such warrant shall not have effect for a longer time than one week from the issuing thereof; but the Secretary of State may issue successive warrants from week to week as long as, in his opinion, such emergency continues. The Commissioners of her Majesty's Treasury shall pay to the company, as compensation for any loss of profit sustained by the company by reason of the exercise by the Secretary of State of any of the powers of the present section, out of money to be provided by Parliament for the purpose, such sum as may be settled between the Secretary of State and the company by agreement, or, in case of difference, by arbitration,—such arbitration to be conducted in manner provided in the last foregoing section, the Secretary of State being only substituted for the Board of Trade.

53. Where it appears to the Board of Trade that any provision of this act has not been complied with on the part of the company, and that it would be for the public advantage that compliance therewith should be enforced, the Board of Trade may certify accordingly to her Majesty's Attorney-General for England or for Ireland, or to the Lord Advocate for Scotland, as the case may require; and thereupon the Attorney-General or Lord Advocate may, by such civil or criminal proceeding as the case may require, enforce compliance with such provision, by the recovery of penalties, or otherwise according to law. But no such certificate shall be made by the Board of Trade until the expiration of twenty-one days after they have given notice to the company of their intention to make the same. This provision shall be deemed to be cumulative, and to be without prejudice to any other remedy or process against the company on the part of her Majesty or of any person or body.

#### SCHEDULE.

*Enactments in Special Acts of existing Companies which are not to be affected by this Act.*

- 16 & 17 Vict. c. clix.—The British Electric Telegraph Company's Act, 1858.—Sect. 43, relating to works affecting the Thames.
- 16 & 17 Vict. c. cxlii.—The Electric Telegraph Company's Act, 1858.—Sect. 56, relating to works affecting the Thames.
- 24 & 25 Vict. c. lxi.—The Universal Private Telegraph Company's Act, 1861.—Sect. 37, relating to works affecting the Mersey Dock Estate.
- 24 & 25 Vict. c. xcii.—Boswell's Electric Telegraph Act, 1861.—Sects. 25, 26, and 27, relating to works affecting the Thames; and sects. 28 and 29, relating to works affecting the Mersey, and to the Mersey and Irwell Navigation.
- 25 & 26 Vict. c. cxxxi.—United Kingdom Electric Telegraph Act, 1862.—Sects. 53, 54, and 55, relating to works affecting the Thames; sects. 57 and 58, relating to works affecting the Mersey, and to the Mersey and Irwell Navigation; sect. 74, relating to a sale, transfer, or lease; and sect. 76, relating to works in Scotland.

#### CAP. CXIII.

An Act to prohibit the Sale and Use of poisoned Grain or Seed. [26th July, 1863.]

Sect. 1. *Short title of act.*

2. *Penalty for selling poisoned grain, seed, or meal.*

3. *Penalty for sowing &c. poisoned grain, seed, or meal.*

4. *Solutions or infusions, &c. allowed for use in agriculture.*

5. *Recovery of penalties. Application of stats. 11 & 12 Vict. c. 43, and 14 & 15 Vict. c. 93, to this act. Informer (not a constable) entitled to moiety of penalty. Indemnity to witnesses, &c.*

Whereas it is expedient to prohibit the sale and use of poisoned grain or seed: be it enacted, &c., as follows:—

Sect. 1. This act may be cited for all purposes as “The Poisoned Grain Prohibition Act, 1863.”

2. Every person who shall offer or expose for sale or sell any grain, seed, or meal which has been so steeped or dipped in poison, or with which any poison or any ingredient or preparation has been so mixed, as thereby to render the same poisonous, and calculated to destroy life, shall in either case for every such offence, upon summary conviction, as hereinafter provided, forfeit any sum not exceeding 10*l*.

3. Every person who shall knowingly and wilfully sow, cast, set, lay, put, or place, or cause to be sown, cast, set, laid, put, or placed, into, in, or upon any ground or other exposed place or situation, any such grain, seed, or meal which has been so steeped or dipped in poison, or with which poison or any ingredient or preparation has been so mixed as thereby to render such grain, seed, or meal poisonous, and calculated to destroy life, shall, upon a summary conviction thereof as hereinafter provided, forfeit any sum not exceeding 10*l*.

4. Nothing in this act shall prohibit the offering or exposing for sale or selling or the use of any solution or infusion, or any material or ingredient for dressing, protecting, or preparing any grain or seed for bona fide use in agriculture only, or the sowing of such last-mentioned grain or seed so prepared.

5. All penalties imposed by this act may be recovered in England and Ireland before two justices of the peace, and in Scotland before two justices of the peace or the sheriff; and for that purpose, in England and Scotland, the provisions of the act of the 11 & 12 Vict. c. 43, and in Ireland the “Petty Sessions (Ireland) Act, 1851,” shall extend and apply to this act, and to all proceedings in relation thereto; and it shall not, in any such proceedings, be necessary to allege or prove the ground or other place where an offence is committed to be the property of or occupied by any person: provided always, that the convicting justices or sheriff may, if they or he shall think fit, award to the informer or prosecutor (not being a police constable or peace officer) in any such proceedings any portion, not exceeding one moiety, of any penalty recovered under the aforesaid enactments: provided also, that every informer or prosecutor, and every person who shall give evidence against any other person proceeded against under this act, shall be freed and discharged from any such penalty which he may have incurred for or by reason of his having participated or aided in the commission of the offence with respect to which he shall so inform or prosecute or give evidence, provided the information against such other person has been laid, or such evidence has been given, before the laying of any information (if any) against such informer, prosecutor, or witness, for the recovery of any penalty he may have so incurred.

#### CAP. CXIV.

An Act to amend the Laws relating to Fisheries in Ireland. [26th July, 1863.]

Sect. 1. *Short title.*

2. *Application of act.*

3. *Prohibition of bag nets in certain places.*

4. *Penalty on new fixed nets.*

5. *Commissioners to inquire as to fixed nets.*

6. *Certificates as to certain fixed nets.*

7. *Commissioners to inquire as to fishing weirs.*

8. *Persons unlawfully erecting or keeping up any fishing weir upon a river after notice to forbid 50*l*., with costs of suit.*

9. As to construction of free gaps.
10. As to construction of boxes and cribs in fishing weirs and fishing milldams.
11. Extension of weekly close time when inexpedient to make a free gap.
12. Rules for enforcing free gaps in fishing weirs.
13. Proceedings for abatement of illegal nets and weirs.
14. Appeal from decision of special commissioners.
15. Transfer of powers to new commissioners.
16. Fishing with nets near milldam.
17. Power to define estuaries and mouths of rivers.
18. Forfeiture of boat in illegal fishing.
19. Declaration as to meaning of certain terms.
20. Weekly close season.
21. Alteration of annual close time.
22. Exception of salmon or trout caught or kept for certain purposes.
23. Season for angling with single rod and line.
24. As to use of salmon nets during certain hours in rivers.
25. As to scaring or obstructing the free passage of salmon or trout during weekly close season.
26. Additional license duties on fixed engines.
27. Magistrates paying duty to be ex officio members of board.
28. New elections of conservators.
29. Residence or qualification of conservators.
30. As to use of hydraulic machines.
31. Salmon passes and fish ladders to be open to inspection.
32. Appointment of commissioners under sign manual.
33. Commissioners to have a common seal.
34. Commissioners not to sit in Parliament.
35. Acts of the commissioners.
36. The Treasury to fix salaries, &c., and appoint additional officers.
37. Duration of office of commissioners.
38. Powers of commissioners.
39. Penalty for false swearing.
40. Proceedings before commissioners not to be restrained by injunction, &c.
41. Proceedings not to abate by death, &c.
42. Provision on determination of office of special commissioners.
43. Courts may award costs.
44. Construction of act.
45. Recovery of penalties.
46. Saving clause.
47. As to fixed engines now in use.

## CAP. CXV.

An Act to explain the Act for the Amendment of the Law relative to gratuitous Trustees in Scotland.

[28th July, 1863.]

- Sect. 1. Recited act to apply to trusts, at whatever time constituted.
2. Acts to extend to gratuitous trustees ex officio.

## CAP. CXVI.

An Act to provide for the Appointment of Navy Prize Agents, and respecting their Duties and Remuneration.

[28th July, 1863.]

- Sect. 1. Short title.
2. Commencement of act.
  3. Interpretation of terms.
  4. Appointment of agent.
  5. Agent to be appointed after passing of act.
  6. As to filling up vacancy of agent.
  7. Agent to be nominated by captain.
  8. Power to remove agent.
  9. Agent to act until power revoked.
  10. No person holding office under the Crown to act as agent.
  11. Agent before acting to register power of appointment in Court of Admiralty.
  12. Agent to take all proceedings.
  13. Expenses to be paid out of proceeds of sale.
  14. As to costs and charges of sale.
  15. Allowance to agent of 2l. 10s. per cent.
  16. Admiralty to distribute prize money, &c.

17. As to investment of prize money when any delay in distribution.

18. Officers not entitled to prize until granted by authority. Powers given to agents as to condemnation of prizes to be subject to control of her Majesty, &c.

19. Act not to extend to seizures made by officers of customs.

## CAP. CXVII.

An Act to amend the Nuisances Removal Act for England, 1855, with respect to the Seizure of diseased and unwholesome Meat. [28th July, 1863.]

Sect. 1. Sect. 26 of recited act repealed.

2. Power to medical officer of health or inspector of nuisances to inspect any animal, &c.

3. Penalty for obstructing medical officer of health, &c.

4. This and recited act to be as one act.

5. Short title.

Whereas the provisions of the Nuisances Removal Act for England, 1855, with regard to the inspection and seizure of diseased and unwholesome meat, are defective; and it is, therefore, expedient that the same should be repealed, and that other and more effectual provisions in that behalf should be substituted therefor: be it therefore enacted &c., as follows:—

Sect. 1. From and after the passing of this act, the 26th section of the said act is repealed.

2. The medical officer of health or inspector of nuisances may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for such purpose or purposes, or was not intended for the food of man, resting with the party charged; and in case any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour appear to him to be diseased, or unsound, or unwholesome, or unfit for the food of man, it shall be lawful for such medical officer of health or inspector of nuisances to seize, take, and carry away the same, or direct the same to be seized, taken, and carried away by any officer, servant, or assistant, in order to have the same dealt with by a justice; and if it shall appear to the justice that any such animal, or any of the said articles, is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall order the same to be destroyed, or so disposed of as to prevent such animal or articles from being exposed for sale or used for such food; and the person to whom such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour belongs, or did belong, at the time of sale, or of exposure for sale, or in whose possession, or on whose premises, the same is found, shall, upon conviction, be liable to a penalty not exceeding 20l. for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour so found, or, at the discretion of the justice, without the infliction of a fine, to imprisonment in the common gaol or house of correction for a term of not more than three calendar months.

3. In case any person shall in any manner prevent such medical officer of health or inspector of nuisances from entering any slaughter-house, shop, building, market, or other place where such animal, carcase, meat, poultry, or fish is kept for the purpose of sale, or of preparation for sale, or shall in any manner obstruct or impede him, or his servant or assistant, when duly engaged in carrying the provisions of this act into execution, such person shall be liable to a penalty not exceeding 5l.

4. This act and the Nuisances Removal Act for England, 1855, shall be read and construed together as one act.

5. This act may be cited for all purposes as "The Nuisances Removal Act for England (Amendment) Act, 1863."

## CAP. CXVIII.

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to the Constitution and Management of Companies incorporated for carrying on Undertakings of a public Nature. [28th July, 1863.]

Sect. 1. Short title.

2. Division of act into parts.



3. *Application of Part I.*
4. *Power to company to cancel forfeited shares.*
5. *Evidence for cancellation of forfeited shares.*
6. *Payment of calls in arrear notwithstanding cancellation.*
7. *Value of forfeited shares to be deducted from amount due in respect thereof.*
8. *Company may cancel forfeited shares with consent of holders.*
9. *As to surrender of shares.*
10. *No money to be paid for cancellation or surrender.*
11. *Power to create shares in lieu of cancelled, forfeited, &c., shares.*
12. *Regulations as to creation and issue of ordinary shares or new ordinary stock.*
13. *Regulations as to creation and issue of new preference shares or new preference stock. Saving rights of preference shareholders.*
14. *Preference shares to be entitled to dividends only out of the profits of each year.*
15. *Terms, &c. to be stated on certificates.*
16. *Unissued shares and stock may be cancelled.*
17. *If ordinary stock or shares at a premium, new shares or stock to be offered to existing ordinary shareholders.*
18. *Offer to be made by letter.*
19. *New shares or stock to vest on acceptance.*
20. *As to disposal of new shares or stock to others. Power to enlarge time for accepting new shares or stock.*
21. *General power to dispose of unappropriated new shares and stock.*
22. *Regulations as to creation and issue of debenture stock.*
23. *Debenture stock to be a prior charge.*
24. *Interest on debenture stock to be a primary charge.*
25. *Payment of arrears may be enforced by appointment of receiver or judicial factor.*
26. *Mode of appointing receiver or judicial factor.*
27. *Arrears may be recovered by action or suit.*
28. *Debenture stock to be registered.*
29. *Company to deliver certificate to holders of debenture stock.*
30. *Mortgages not affected by this act.*
31. *Holders of debenture stock not to vote.*
32. *Application of money raised.*
33. *Separate accounts of debenture stock.*
34. *Borrowing powers extinguished to extent of debenture stock.*
35. *Application of Part III to mortgage preference stock and funded debt.*
36. *Continuance of powers.*
37. *Actions, &c. not to abate.*
38. *General saving of rights.*
39. *Contracts, &c. preserved.*

Whereas the Companies Clauses Consolidation Act, 1845, and the Companies Clauses Consolidation (Scotland) Act, 1845, respectively, were passed in order to comprise in one general act such provisions relating to the constitution and management of joint-stock companies incorporated for the purpose of carrying on undertakings of a public nature in England or Ireland, or in Scotland, respectively, as were at the times of the passing of those acts usually introduced into acts of Parliament relating to such companies:

And whereas sundry provisions of the like nature, but not comprised in the said general acts respectively, are now frequently introduced into acts of Parliament relating to such companies, and it is expedient to comprise such last-mentioned provisions also in one general act, such act to be applicable to England or Ireland, or to Scotland, as the case may require, and that as well for the purpose of avoiding the necessity of repeating such provisions in the acts relating to such undertakings, as for insuring greater uniformity in the provisions themselves:

Be it therefore enacted, &c., as follows:—

Sect. 1. This act may be cited as "The Companies Clauses Act, 1863."

2. This act shall be deemed to be divided into four parts, as follows:—

Part I, relating to cancellation and surrender of shares;

Part II, relating to additional capital;  
Part III, relating to debenture stock;  
Part IV, relating to change of name.

#### PART I.—CANCELLATION AND SURRENDER OF SHARES.

3. This part of this act shall apply to every company incorporated either before or after the passing of this act which obtains a special act incorporating this part of this act.

4. Where any share of the capital of the company is after the passing of this act declared forfeited under and in pursuance of the provisions with respect to the forfeiture of shares for nonpayment of calls contained in the Companies Clauses Consolidation Act, 1845, and the Companies Clauses Consolidation (Scotland) Act, 1845, respectively, and the forfeiture is confirmed by a meeting in accordance with the same provisions respectively, and notice of the forfeiture has been given,—then and in every such case, if the directors of the company are unable to sell the share for a sum equal to the arrears of calls and interest and expenses due in respect thereof, the company at any general meeting held not less than two months after such notice is given may, in case payment of the arrears of calls, interest, and expenses due in respect thereof is not made by the registered holder of the share before the meeting is held, resolve that the share instead of being sold shall be cancelled, and the share shall thereupon be cancelled accordingly.

5. A declaration in writing made by some credible person, in England or Ireland before a justice, and in Scotland before any sheriff or justice, stating that a sum of money sufficient to pay the arrears of calls, interest, and expenses due in respect of the share, could not, at the time of the cancellation of the share, be obtained for the same upon the Stock Exchange prescribed in the special act; and if no Stock Exchange is prescribed, then upon the Stock Exchange, as to England, of the city of London, and as to Scotland, of the city of Edinburgh, and as to Ireland, of the city of Dublin, shall be sufficient evidence of the fact so declared.

6. Where it is so resolved that any share shall be cancelled, the holder thereof shall, from and after the passing of the resolution, be precluded from all right and interest therein and in respect thereof; but the cancellation shall not affect the liability of the last registered holder of the share to pay to the company all arrears of calls, interest, and expenses due in respect of the share at the time of the cancellation, or the power of the company to enforce payment thereof by action or otherwise.

7. Provided always, that if the company enforces the payment of the arrears of calls, interest, and expenses, under the last preceding provision, the value of the share at the time of the cancellation thereof shall be deducted from the amount so then due: provided also, that if payment of all arrears of calls, interest, and expenses is made before such meeting as aforesaid is held, the share shall revert to the person to whom it belonged at the time of forfeiture, and shall be re-entered on the company's register accordingly.

8. Where any share is declared forfeited, or where any sum payable on any share remains unpaid, the company, with the consent in writing of the registered holder of the share, and with the sanction of a general meeting, may resolve that the share shall be cancelled, and immediately thereupon the share shall be cancelled, and all liabilities and rights with respect to the share shall thereupon be absolutely extinguished.

9. The company may from time to time accept, on such terms as they think fit, surrenders of any shares which have not been fully paid up.

10. The company shall not pay or refund to any shareholder any sum of money for or in respect of the cancellation or surrender of any share.

11. The company may from time to time, in lieu of any shares that have been cancelled or surrendered, issue new shares of such amounts as will allow the same to be conveniently apportioned or disposed of according to the resolution of any ordinary or extraordinary meeting of the company, and may from time to time fix the amounts and times of payment of the calls on any such new shares, and dispose thereof on such terms and conditions as may be so resolved upon: provided, that the aggregate nominal amount of the new shares shall not exceed the aggregate nominal amount of the shares in lieu of which the new shares are issued, after

deducting the amount actually paid up in respect of the shares cancelled or surrendered.

## PART II.—ADDITIONAL CAPITAL.

### *New Ordinary Shares or Stock.*

12. Where any company, incorporated either before or after the passing of this act for the purpose of carrying on any undertaking, is authorised by any special act hereafter passed, and incorporating this part of this act, to raise any additional sum or sums by the issue of new ordinary shares, or by the issue of new ordinary stock, or (at the option of the company) by either of those modes, then and in every such case the company, with the sanction of such proportion of the votes of the shareholders and stockholders entitled to vote in that behalf at meetings of the company, present (personally or by proxy) at a meeting of the company specially convened for the purpose, as is prescribed in the special act, and if no proportion is prescribed, then of three-fifths of such votes, may, for the purpose of raising the additional sum or sums, from time to time create and issue (according as the authority given by the special act extends to shares only, or to stock only, or to both) such new ordinary shares, of such nominal amount, and subject to the payment of calls of such amounts, and at such times, as the company thinks fit, or such new ordinary stock as the company thinks fit.

### *Preference Shares or Stock.*

13. Where any such company is authorised by any special act hereafter passed and incorporating this part of this act to raise any additional sum or sums by the issue of new preference shares, or by the issue of new preference stock, or (at the option of the company) by either of those modes, then and in every such case the company, with the like sanction as aforesaid, may, for the purpose of raising such additional sum or sums from time to time create and issue (according as the authority given by the special act extends to shares only, or to stock only, or to both) such new shares or new stock, either ordinary or preference, and either of one class, and with like privileges, or of several classes, and with different privileges, and of the same or different amounts, and respectively with any fixed, fluctuating, contingent, preferential, perpetual, terminable, deferred, or other dividend or interest, not exceeding the rate prescribed in the special act; and if no rate is prescribed, then not exceeding the rate of 5l. per centum per annum, and subject (as to any such new shares) to the payment of calls of such amounts, and at such times, as the company from time to time thinks fit:

Provided always, that any preference assigned to any shares or stock so issued under the special act shall not affect any guarantee, or any preference or priority in the payment of dividend or interest, on any shares or stock, that may have been granted by the company under, or confirmed by, any previous act, or that may be otherwise lawfully subsisting.

14. The preference shares or preference stock so issued shall be entitled to the preferential dividend or interest assigned thereto, out of the profits of each year, in priority to the ordinary shares and ordinary stock of the company; but if in any year ending on the day prescribed in the special act, and if no day is prescribed, then on the 31st December, there are not profits available for the payment of the full amount of preferential dividend or interest for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the company.

15. The terms and conditions to which any preference share or preference stock is subject shall be clearly stated on the certificate of that preference share or portion of preference stock.

### *General Provisions as to new Shares or Stock.*

16. If, after having created new shares or new stock, the company determines not to issue the whole of the new shares or new stock, they may cancel the unissued new shares or new stock.

17. If, at the time of the issue of new shares or new stock, the ordinary shares or ordinary stock of the company are or is at a premium, then, unless the company before the issue of the new shares or new stock otherwise determines, the new shares or new stock then issued shall be of such amount as will conveniently allow the same to be apportioned among the then holders of the ordinary stock and ordinary shares, respectively, in proportion, as nearly as conveniently may be,

to the ordinary shares and ordinary stock held by them respectively, and shall be offered to them at par in that proportion; provided, that it shall not be obligatory on the company so to apportion or offer any new shares or new stock unless the amount of every new share or portion of new stock to be so offered would if so apportioned be at least the sum prescribed in the special act, and if no sum is prescribed then at least 10l.

18. The offer of new shares or new stock shall be made by letter under the hand of the treasurer or secretary of the company given to every such shareholder or stockholder as aforesaid, or sent by post addressed to him according to his address in the shareholders' or stockholders' address book, or left for him at his usual or then last-known place of abode in England, Scotland, or Ireland (as the case may require); and every such offer made by letter sent by post shall be considered as made on the day on which the letter in due course of delivery ought to be delivered at the place to which it is addressed.

19. The new shares or portions of new stock so offered shall vest in and belong to the shareholders or stockholders who accept the same, or their nominees.

20. If any shareholder or stockholder fails for the time prescribed in the special act, and if no time is prescribed, then for one month, after the offer to him of new shares or new stock, to signify his acceptance of the same, or any part thereof, then and in every such case, at the expiration of that period, he shall be deemed to have declined the offer of such new shares or new stock, or such part thereof, as aforesaid, and the same may be disposed of by the company as herein-after provided:

Provided, that where a shareholder or stockholder, from absence abroad or other cause satisfactory to the directors of the company, omits to signify within the time aforesaid his acceptance of the new shares or new stock offered to him, the directors, if they think proper, may permit him to accept the same, notwithstanding that such time has elapsed.

21. Subject to the foregoing provisions, the company may from time to time dispose of new shares and new stock at such times, to such persons, on such terms and conditions, and in such manner, as the directors think advantageous to the company, but so that not less than the full nominal amount of any share or portion of stock be payable or paid in respect thereof.

## PART III.—DEBENTURE STOCK.

22. Where any company, incorporated either before or after the passing of this act for the purpose of carrying on any undertaking, is authorised by any special act hereafter passed, and incorporating this part of this act, to create and issue debenture stock, then and in every such case the company, with the sanction of such proportion of the votes of the shareholders and stockholders entitled to vote in that behalf at meetings of the company, present (personally or by proxy) at a meeting of the company specially convened for the purpose, as is prescribed in the special act, and if no proportion is prescribed, then of three fifth of such votes, may from time to time raise all or any part of the money which for the time being they have raised, or are authorised to raise, on mortgage or bond, by the creation and issue, at such times, in such amounts and manner, on such terms, subject to such conditions, and with such rights and privileges, as the company thinks fit, of stock to be called debenture stock, instead of and to the same amount as the whole or any part of the money which may for the time being be owing by the company on mortgage or bond, or which they may from time to time have power to raise on mortgage or bond, and may attach to the stock so created such fixed and perpetual preferential interest not exceeding the rate prescribed in the special act, and if no rate is prescribed, then not exceeding the rate of 4l. per centum per annum, payable half-yearly or otherwise, and commencing at once, or at any future time or times, when and as the debenture stock is issued, or otherwise, as the company thinks fit.

23. Debenture stock, with interest thereon, shall be a charge upon the undertaking of the company, prior to all shares or stock of the company, and shall be transmissible and transferable in the same manner and according to the same regulations and provisions as other stock of the company, and shall in all other respects have the incidents of personal estate.

24. The interest on debenture stock shall have priority of payment over all dividends or interest on any shares or stock of the company, whether ordinary or preference or guaranteed, and shall rank next to the interest payable on the mortgages or bonds for the time being of the company legally granted before the creation of such stock; but the holders of debenture stock shall not, as among themselves, be entitled to any preference or priority.

25. If within thirty days after the interest on any such debenture stock is payable the same is not paid, any one or more of the holders of the debenture stock holding, individually or collectively, the sum in nominal amount thereof prescribed in the special act, and if no sum is prescribed, then a sum equal to one tenth of the aggregate amount which the company is for the time being authorised to raise by mortgage, by bond, and by debenture stock, or the sum of 10,000*l.*, whichever of the two last-mentioned sums is the smaller sum, may (without prejudice to the right to sue in any court of competent jurisdiction for the interest in arrear) require the appointment in England or Ireland of a receiver, and in Scotland of a judicial factor.

26. Every such application for a receiver shall be made to two justices, and every such application for a judicial factor shall be made to the court of session; and on any such application the justices or court (as the case may be), by order in writing, after hearing the parties, may appoint some person to receive the whole or a competent part of the tolls or sums liable to the payment of the interest, until all the arrears of interest then due on the debenture stock, with all costs, including the charges of receiving the tolls or sums, are fully paid; and upon such appointment being made, all such tolls or sums shall be paid to and received by the person so appointed; and all money so received shall be deemed so much money received by or to the use of the several persons interested in the same, according to their several priorities.

The receiver or judicial factor shall distribute rateably and without priority, among all the proprietors of debenture stock to whom interest is in arrear, the money which so comes to his hands, after applying a sufficient part thereof in or towards satisfaction of the interest on the mortgages and bonds of the company.

As soon as the full amount of interest and costs has been so received, the power of the receiver or judicial factor shall cease, and he shall be bound to account to the company for his acts or intromissions or the sums received by him, and to pay over to the company any balance that may be in his hands.

27. If the interest on debenture stock is in arrear for thirty days next after any of the respective days whereon the same is payable, the holder for the time being thereof may (without prejudice to his power to apply for the appointment of a receiver or judicial factor) recover the arrears with costs by action or suit against the company in any court of competent jurisdiction.

28. The company shall cause entries of the debenture stock from time to time created to be made in a register to be kept for that purpose, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every mortgagee, bondholder, debenture stockholder, shareholder, and stockholder of the company, without the payment of any fee or charge.

29. The company shall deliver to every holder of debenture stock a certificate stating the amount of debenture stock held by him; and all regulations or provisions for the time being applicable to certificates of shares in the capital of the company shall apply, *mutatis mutandis*, to certificates of debenture stock.

30. Nothing herein or in the special act authorising the issue of debenture stock contained shall in any way affect any mortgage or bond at any time legally granted by the company before the creation of such stock, or any power of the company, to raise money on mortgage or bond, but the holders of all such mortgages and bonds shall, during the continuance thereof respectively, be entitled to the same priorities, rights, and privileges in all respects as they would have been entitled to if the special act authorising the issue of debenture stock had not been passed.

31. Debenture stock shall not be entitled the holders thereof

to be present or vote at any meeting of the company, or confer any qualification, but shall, in all respects not otherwise by or under this act or the special act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking other than the right to require repayment of the principal money paid up in respect of the debenture stock.

32. Money raised by debenture stock shall be applied exclusively either in paying off money due by the company on mortgage or bond, or else for the purposes to which the same money would be applicable if it were raised on mortgage or bond instead of on debenture stock.

33. Separate and distinct accounts shall be kept by the company, shewing how much money has been received for or on account of debenture stock, and how much money borrowed or owing on mortgage or bond, or which they have power so to borrow, has been paid off by debenture stock, or raised thereby, instead of being borrowed on mortgage or bond.

34. The powers of borrowing and reborrowing by the company shall, to the extent of the money raised by the issue of debenture stock, be extinguished.

35. The provisions of this part of this act shall be deemed to apply to mortgage preference stock, and to funded debt, as the case may require, in all respects as if mortgage preference stock or funded debt were mentioned throughout this part of this act wherever debenture stock is mentioned therein.

#### PART IV.—CHANGE OF NAME.

36. Where by any special act hereafter passed and incorporating this part of this act the name of any company incorporated either before or after the passing of this act for the purpose of carrying on any undertaking is changed, then and in every such case from the passing of the special act the company by their new name shall have and may exercise the powers then vested in the company by their original name; and all acts relating to the company by their original name shall be read and interpreted as if throughout those acts, wherever the original name of the company or any reference to the company by their original name occurs, the new name of the company or a reference to the company by their new name were substituted.

37. No action, suit, bill, process, writ, indictment, information, or other proceeding, whether civil or criminal, which at or immediately before the passing of the special act is commenced and is then pending,—either at the suit or instance of the company, by their original name, against any other corporation or any person, or at the suit or instance of any other corporation or any person against the company, by their original name,—shall abate, determine, or be otherwise impeached or affected for or by reason of the change of the name of the company; nor shall any notice, tender, requisition, warrant, summons, pleading, civil or criminal writ or other process, record, deed, contract, agreement, writing or instrument then or thereafter to be made, issued, written, or commenced, be deemed to be vacated, discharged, invalidated, prejudiced, or affected by reason of the company or their undertaking being therein respectively called by the original name of the company or undertaking; and it shall not be necessary in any bill, suit, indictment, information, proceeding, notice, tender, requisition, warrant, summons, pleading, civil or criminal writ, or other process, or in any record, deed, contract, agreement, writing, or other instrument or matter, to aver that the company had been called or known for any period by the original name of the company, or that their undertaking had been called or known within that period by the original name of the undertaking, and that by the special act effecting the change the names of the company and their undertaking were changed, and that after the passing of that special act the company had been called or known by their new name, and their undertaking by its new name; but it shall be deemed true, lawful, and sufficient therein to aver the style and describe the company by their new name, and their undertaking by its new name, in the same manner as if the company had been originally incorporated, called, or known by their new name, and as if their undertaking had been originally called or known by its new name.

38. Notwithstanding the change of the name of the company, everything before the passing of the special act effect-

ing the change done, suffered, or confirmed under or by virtue of any other act shall be as valid as if the special act effecting the change were not passed; and the change of name and last-mentioned special act respectively shall accordingly be subject and without prejudice to everything so done, suffered, or confirmed before the passing of the last-mentioned special act, and to all rights, liabilities, claims, and demands, then present or future, which, if the change of name had not happened and such last-mentioned special act had not been passed, would be incident to or consequent on anything so done, suffered, or confirmed.

30. Notwithstanding the change of the name of the company, all deeds, instruments, purchases, sales, securities, and contracts before the passing of the special act effecting the change made under any other act, or with reference to the purposes thereof, shall be as effectual to all intents in favour of, against, and with respect to the company as if the name of the company had remained unchanged.

## CAP. CXIX.

An Act to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862. [28th July, 1863.]

**Sect. 1. Penalty on false representations. As to having obtained medals.**

2. Provisions as to proceedings under this act.

3. Definition of terms.

4. Recovery of penalties.

5. Conviction not to affect any right or civil remedy.

6. Short title.

Whereas it is expedient to prevent false representations with respect to grants of medals and certificates by the Commissioners for the Exhibition of 1851 and the Commissioners for the Exhibition of 1862: be it enacted &c., as follows:—

**Sect. 1. If any trader commits any of the offences following; that is to say,**

(1). Falsely represents that he has obtained a medal or certificate from the Exhibition Commissioners in respect of any article or process for which a medal or certificate has been awarded by the commissioners:

(2). Falsely represents (knowing such representation to be false) that any other trader has obtained a medal or certificate from the Exhibition Commissioners:

(3). Falsely represents (knowing such representation to be false) that any article sold or exposed for sale has been made by, or by any process invented by, a person who has obtained in respect of such article or process a medal or certificate from the Exhibition Commissioners:

He shall incur the following penalties; that is to say,

(1). For the first offence he shall forfeit to her Majesty a sum not exceeding 5*l*.

(2). For any subsequent offence he shall forfeit to her Majesty a sum not exceeding 20*l*., or be imprisoned for a period not exceeding six months.

2. In proceedings under this act it shall not be necessary to prove that any person has sustained damage by the false representations of the defendant.

It shall not be necessary in any proceedings under this act to set out any copy or fac-simile of any medal or certificate.

3. For the purposes of this act "The Exhibition Commissioners" shall mean the Commissioners for the Exhibition of 1851 and the Commissioners for the Exhibition of 1862, or either of such bodies of commissioners.

The term "defendant" shall mean any person against whom proceedings may be taken under this act.

4. Offences under this act may be prosecuted summarily in England and Ireland before two justices; as to England, in manner directed by an act passed in the session holden in the 11 & 12 Vict. c. 43, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders," or any act amending the same; as to Ireland, in manner directed by the act passed in the session holden in the 14 & 15 Vict., intituled "An Act to consolidate and amend the Acts regulating the Proceedings in Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in Ireland," or any act amending the same.

In Scotland, an offence against this act may be prosecuted summarily at the instance of the procurator fiscal before any sheriff or sheriff substitute, or before any two justices of the county, or before the magistrates or any police magistrate of the burgh in which the offence was committed.

5. No provision of this act shall take away, diminish, or prejudicially affect any suit, process, proceeding, right, or remedy which any person may be entitled to at law, in equity, or otherwise; nor exempt or excuse any person from answering or making discovery upon examination as a witness, or upon interrogatories or otherwise, in any suit or other civil proceeding: provided always, that no evidence, statement, or discovery which any person shall be compelled to give or make shall be admissible in evidence against such person in support of any indictment for a misdemeanour at common law or otherwise, or of any proceeding under the provisions of this act.

6. This act may be cited for all purposes as "The Exhibition Medals Act, 1863."

## CAP. CXX.

An Act for the Augmentation of certain Benefices, the Right of Presentation to which is vested in the Lord Chancellor. [28th July, 1863.]

**Sect. 1. Power to Lord Chancellor to sell advowsons in first schedule.**

2. Parties desirous of purchasing to make an offer to Lord Chancellor, stating terms.

3. More offers than one may be received.

4. Power to Lord Chancellor to require from incumbents a return of income and outgoing.

5. Purchasers may pay the money into the Bank, or in other modes, with consent of Lord Chancellor.

6. Purchase money may be applied under direction of Lord Chancellor.

7. Annuities or rent-charges may be purchased.

8. Parsonage houses may be built out of purchase money.

9. What proportion may be applied to augmentation of living.

10. Inquiry as to title and the sufficiency of value of proposed security.

11. Form of instrument of conveyance.

12. Form of annuity.

13. Form of mortgage.

14. Incidents of annuity.

15. Annuity to be payable half-yearly.

16. Apportionment of annuity between incumbents on vacancy.

17. Recovery of annuity.

18. When advowson purchased, the title to be indefeasible.

19. Power for limited owners to purchase.

20. Power to persons, corporate or incorporate, to purchase &c. advowsons, but not to hold more than four of them.

21. Purchaser of advowson under this act not to resell until expiration of five years.

22. Questions concerning application of act to be argued before Lord Chancellor.

23. Tenant in tail or in fee of lands within the limits of certain livings may apply for the purchase of the advowson.

24. Provision as to number of livings to be sold under amount herein named &c.

25. Purchase money for such livings to be paid to Ecclesiastical Commissioners to credit of a distinct account.

26. Lord Chancellor may augment benefices in his gift. Provision as to such augmentation.

27. How annual value is to be ascertained.

28. Limiting amount of fees on the purchase of advowsons.

29. Limiting fees to be paid in office of land registry.

30. Payment of expenses under this act.

31. By whom business to be transacted.

32. Returns to be made to Parliament.

33. Lord Chancellor to make General Orders for regulating proceedings.

34. Lord Chancellor not to incur personal liability, &c. in respect of proceedings under this act.

35. Provisions of the 8 & 9 Vict. c. 18, to apply to this act.

36. Saving Crown rights.

37. Interpretation of terms.

38. Commencement of act.

## CAP. CXXI.

An Act to establish the Validity of Acts performed in Her Majesty's Possessions abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen.

[28th July, 1863.]

Sect. 1. *Colonial legislatures may authorise exercise of clerical functions by persons ordained by bishops consecrated under the 26 Geo. 3, c. 84.*

2. *Acts heretofore performed by such persons to be valid.*

Whereas, by the 3rd section of an act passed in the 26 Geo. 3, c. 84, intituled "An Act to empower the Archbishop of Canterbury or the Archbishop of York for the time being to consecrate to the Office of a Bishop Persons being Subjects or Citizens of Countries out of His Majesty's Dominions," it was enacted, that no person or persons admitted to the order of deacon or priest by any bishop or bishops so consecrated, or by the successor or successors of any bishop or bishops so consecrated, should be thereby enabled to exercise his or their respective office or offices within his Majesty's dominions: and whereas by an act passed by the Legislature of Barbadoes, in the 19 & 20 Vict. c. 20, intituled "An Act to enable the Reverend Joseph Shepherd Mayers to exercise his Office of Clergyman within this Island," it was enacted, that it should be lawful for the said Reverend Joseph Shepherd Mayers to exercise the office of priest, and the said Reverend Joseph Shepherd Mayers hath from that time exercised the said office in the island of Barbadoes: and whereas it is apprehended that divers persons, having been ordained by such bishop or bishops as aforesaid, or their successors, have at times exercised their respective offices in British colonies: and whereas doubts are entertained respecting the validity of the aforesaid act passed by the Legislature of Barbadoes, and of the marriages solemnised and other acts performed by the said Reverend Joseph Shepherd Mayers under the authority of the said act, or by other persons so ordained as aforesaid, and it is advisable to remove such doubts, and to define the power of colonial legislatures in this respect: be it hereby enacted &c., as follows:—

Sect. 1. It shall be lawful for the legislature of any of her Majesty's possessions abroad, by any law or laws to be by them passed, to authorise any persons admitted to the order of priest or deacon by any of such bishops as are mentioned in the first-recited act, to exercise their respective offices in such possession, anything in the aforesaid act of Parliament to the contrary notwithstanding, and all laws heretofore passed by any such legislature for that purpose shall be, and the same are hereby declared to be, valid and effectual to all intents and purposes.

2. All acts heretofore performed in any British colony by any person having been admitted to the office of priest or deacon by any of such bishops as aforesaid, or of their successors, shall be as valid and effectual at law for all purposes whatever as if such person had been so admitted by a bishop or bishops of the United Church of Great Britain and Ireland.

## CAP. CXXII.

An Act to enable Her Majesty in Council to make Alterations in the Circuits of the Judges. [28th July, 1863.]

Sect. 1. *Power to her Majesty in Council to alter circuits of judges.*

2. *Powers in sect. 3 of 3 & 4 Will. 4, c. 71, extended to this act.*

3. *Power to Treasury, with sanction of Lord Chief Justices and Lord Chief Baron, to alter salaries of clerks of assize on alteration of circuits.*

4. *Power to alter numbers of revising barristers to be appointed within circuits affected by alterations.*

Whereas it is expedient to make provision for such alterations in the circuits of her Majesty's judges as may from time to time appear to be necessary for the better despatch of assize business in England and Wales: be it enacted &c., as follows:—

Sect. 1. Her Majesty, by and with the advice of her most honourable Privy Council, shall have power from time to time to order and direct that the circuits of her Majesty's

judges in England and Wales, or any of such circuits, shall be altered, by taking away from any circuit any county or counties, or any part or parts of any county or counties, and annexing the same to any other circuit or circuits; and every such alteration shall take effect upon and from the date of the Order in Council in and by which the same shall be ordered and directed, or from such other time as shall be provided in such order.

2. All the powers and provisions contained in the 3rd section of the act of the session of Parliament holden in the 3 & 4 Will. 4, c. 71, shall extend, so far as the same are applicable, to all Orders in Council to be made and to all acts to be done by virtue of this act, and may be used and applied for any of the purposes herein mentioned.

3. It shall be lawful for the Lords Commissioners of her Majesty's Treasury for the time being, and they are hereby authorised and required, by and with the sanction of the Lord Chief Justices and the Lord Chief Baron, to make such alterations in the amount of the salaries of any of the officers mentioned in Schedule (B.) to the act of the session of Parliament holden in the 15 & 16 Vict. c. 73, as may appear to the said Lords Commissioners, by and with such sanction as aforesaid, to be reasonable and proper upon and in consequence of any alteration to be made in any of the circuits by virtue of this act; and all such new or altered salaries shall be deemed to have been fixed and appointed under and subject to the provisions of the said last-mentioned act.

4. And whereas by the 28th section of the act of Parliament holden in the 6 & 7 Vict. c. 13, it is enacted, that, except as is thereinafter provided, no greater number of barristers shall be appointed in any year to revise the lists of voters in the election of members to serve in Parliament for the several counties, cities, boroughs, and places within the several circuits in England and Wales than as therein provided: be it enacted, that upon any alteration or alterations being made in any of the said circuits by her Majesty in Council by virtue of this act, it shall also be lawful for her Majesty, by and with the advice of her Privy Council, to order and direct that the number of revising barristers to be appointed for the several counties, cities, boroughs, and places within any circuit or circuits affected by such alteration or alterations as aforesaid, shall be increased or diminished as to her Majesty, by and with such advice as aforesaid, may seem meet, anything in the last-recited act to the contrary notwithstanding; provided always, that the present total number of revising barristers shall not be augmented otherwise than in accordance with the provisions of the 29th section of the said last-mentioned act.

## CAP. CXXIII.

An Act to amend the Law relating to District Parochial Churches in Ireland. [28th July, 1863.]

Sect. 1. *Power to churchwardens of district parochial churches erected under provisions of 14 & 15 Vict. c. 17, to levy pew rents. As to situation of free sittings.*

2. *Application of pew rents.*

## CAP. CXXIV.

An Act for the more effectual Condensation of Muriatic Acid Gas in Alkali Works. [28th July, 1863.]

Sect. 1. *Short title.*

2. *Commencement of act.*

3. *Interpretation of terms.*

4. *As to the conduct of alkali works.*

5. *Owner to be liable for offences in the first instance, unless he prove that the offence was committed by some agent, &c., without his knowledge, in which case such agent, &c. to be liable.*

6. *As to the registration of alkali works.*

7. *Appointment of inspectors.*

8. *What persons disqualified from acting as inspectors.*

9. *Duties and power of inspector.*

10. *Salaries of inspectors and sub-inspectors.*

11. *General penalties on violation of act.*

12. *Inspector to report to Parliament.*

13. *Power to owners of works to make special rules.*

14. *As to recovery of penalties in England for other than offences against a special rule.*

15. *As to recovery of general penalties in Scotland.*

16. *As to recovery of general penalties in Ireland.*
17. *Application of penalties.*
18. *As to recovery of penalties for offences against special rule.*
19. *Term of act.*

Whereas it is expedient to provide for the better condensation of the muriatic acid gas evolved in alkali works: be it enacted &c., as follows:—

*Preliminary.*

- Sect. 1. This act may be cited as "The Alkali Act, 1863."
2. This act shall come into operation on the 1st January, 1864.

3. The term "alkali work," as hereinafter used, shall mean every work for the manufacture of alkali, sulphate of soda, or sulphate of potash in which muriatic acid gas is evolved:

The term "owner," as hereinafter used, shall mean the lessee or occupier or any other person carrying on any alkali work:

The term "the inspector" shall mean the inspector to be appointed under this act.

*Alkali Works.*

4. Every alkali work shall be carried on in such manner as to secure the condensation to the satisfaction of the inspector, derived from his own examination or from that of a sub-inspector, of not less than ninety-five per centum of the muriatic acid gas evolved therein: provided always, that nothing herein contained shall entitle the inspector to direct any alteration to be made in the process of manufacture or the apparatus used therein.

If any alkali work is carried on in contravention of this section, the owner of that work shall, on its being made to appear to the court before which any proceedings for recovery of a penalty may be instituted that ninety-five per centum at least of the muriatic acid gas evolved in such work has not been condensed, be deemed to be guilty of an offence against this act, and be subject in respect of the first conviction to a penalty not exceeding 50*l.*, and in respect of every offence after a previous conviction to a penalty not exceeding 100*l.*: provided always, that no such owner shall be convicted of more than one such offence in respect of any one day: provided also, that no such penalty shall be inflicted unless the inspector shall produce before the court having cognisance of the matter a statement in writing of the facts on which he founds his opinion that ninety-five per centum of the muriatic acid gas evolved in the alkali work is not condensed therein, and serve a copy thereof with the process commencing the proceedings.

5. The owner of any alkali work in which any offence against this act has been proved to have been committed, and for which a pecuniary penalty may be imposed, shall in every case be deemed to have committed the offence, and shall be liable to pay the penalty, unless he shall prove to the satisfaction of the court before which any action shall be brought for the recovery of such penalty that he has used due diligence to comply with and to enforce the execution of this act, and that the offence in question was committed by some agent, servant, or workman, whom he shall charge by name as the actual offender, without his knowledge, consent, or connivance, in which case such agent, servant, or workman shall be liable to and may be sued for the payment of the penalty, and of the costs of all proceedings which may be taken for the recovery thereof, either against himself or against the owner under this act; provided that it shall be lawful for the inspector to proceed in the first instance against the person whom he shall believe to be the actual offender, without first proceeding against the owner, in any case in which it shall be made to appear to the satisfaction of such inspector that the owner has used all due diligence to comply with and to enforce the execution of this act, and that the offence has been committed by the person whom he may charge therewith without the knowledge, consent, or connivance of the owner, and in contravention of his orders.

6. No alkali work shall at any time after the expiration of three months after the appointment of the inspector be carried on or prosecuted until such work has been registered by the owner with the inspector. In every register hereby re-

quired to be made there shall be inserted the name in full of the owner, and of the parish or township in which the work is situate, and within one month after change of ownership in any such work the register of such work shall be amended by inserting the name of the new owner; and if any alkali work is carried on in contravention of this section, the owner thereof shall, on conviction, be deemed to be guilty of an offence against this act, and shall be subject to a penalty not exceeding 5*l.* for every day during which such work shall have been so carried on.

*Inspectors.*

7. For the purpose of carrying into effect the provisions of this act, the Board of Trade may from time to time appoint any fit and proper person to be inspector of alkali works under this act, and may from time to time remove any inspector so appointed, and appoint another person in his place. The Board of Trade may also, on application of the inspector, from time to time appoint and remove such sub-inspector or sub-inspectors as the said board may deem necessary for the purpose of carrying this act into effect. Notice of the appointment of such inspector and sub-inspectors shall be published in The London Gazette, and a copy of the Gazette shall be evidence of the appointment made.

8. No person either directly or indirectly acting or practising as a land agent, or directly or indirectly engaged in any manufacture, or interested in any patent in or according to which the decomposition of salt or the condensation of muriatic acid gas may be effected, shall act as an inspector or sub-inspector under this act.

9. It shall be the duty of every inspector under this act to ascertain from time to time that all the alkali works are carried on in conformity with the provisions of this act, and to enforce the said provisions, and to cause notice to be given to every owner whose work shall be carried on in contravention of this act of the commission of such offence as soon as conveniently may be after the commission thereof; and with a view to the performance of that duty he or any sub-inspector may at all reasonable times, by day and by night, without giving previous notice, but so as not to interrupt the process of the manufacture, enter upon and inspect any alkali work, and examine into the efficiency of the condensing apparatus, and the quantity of muriatic acid gas condensed, and generally into all matters and works tending to shew compliance or non-compliance with the provisions of this act. And the owner of such works, upon demand of the inspector, shall within a reasonable time furnish him with a plan, to be kept secret by such inspector, of those parts of such works in which the decomposition of salt or other process causing the evolution of muriatic acid gas or the condensation thereof is carried on.

It shall be lawful for the inspector or any sub-inspector under his direction, but so as not to interfere with the process of the manufacture, to apply any tests or make any experiments he may think proper for the purpose of ascertaining the efficiency of the condensing apparatus, or the quantity of gas condensed; and the owner or agent of the works shall be deemed to be guilty of an offence against this act unless he renders to the said inspector or sub-inspector all necessary facilities for their entry, examination, and testing.

10. Every inspector and sub-inspector appointed under this act shall be paid such salary as may be determined by the Board of Trade, with the consent of the Commissioners of her Majesty's Treasury.

11. Every person who wilfully obstructs any inspector or sub-inspector in the execution of this act, and every owner of any alkali work who refuses or neglects to afford to the inspector or sub-inspector the facilities necessary for making any entry, inspection, examination, or testing under this act, or who neglects or wilfully violates any provision of this act, for the neglect or violation of which no other penalty is by this act imposed, shall be guilty of an offence within the meaning of this act, and shall for every such offence incur a penalty not exceeding 10*l.*

12. The inspector shall, on or before the 1st March in every year, make a report in writing to the Board of Trade of his proceedings during the preceding year, and a copy of such report shall be laid before both Houses of Parliament.



*Special Rules.*

13. The owner of any alkali work may, with the sanction of the Board of Trade, make, alter, or repeal special rules for the guidance of such of his workmen as are employed in any process causing the evolution of muriatic acid gas, or whose duty it is to attend to the apparatus used in the condensation of that gas, and may annex penalties to any violation of such rules, so that no penalty exceeds 2*l.* for any one offence.

A printed copy of the special rules in force in any alkali work shall be given by the owner of the work to every person working or employed in or about that work affected thereby.

*Penalties.*

14. The following regulations shall be enacted with respect to the recovery in England of penalties for offences other than offences against a special rule:—

Every such penalty shall be recovered by action in the county court having jurisdiction in the district in which the alkali works are situate in respect of which the penalty arises:

The action shall be brought, with the sanction of the Board of Trade, by the inspector appointed under this act, within three months after the commission of the offence, and for the purposes of such action the penalty shall be deemed to be a debt due to such inspector:

The plaintiff in any action for a penalty under this act shall be presumed to be the inspector appointed under this act, until the contrary is proved by the defendant:

The court may, upon the application of either party, appoint a person to take down in writing the evidence of the witnesses, and may award to that person such compensation as the court thinks just:

The amount of compensation awarded by the judge shall be deemed to be costs in the cause:

If either party in any action for a penalty under this act feels aggrieved by the decision of the court in point of law, or on the merits, or in respect of the admission or rejection of any evidence, he may appeal from that decision to any of the superior courts of common law at Westminster:

The appeal shall be in the form of a special case, to be agreed upon by both parties or their attorneys, and if they cannot agree, to be settled by the judge of the county court upon the application of the parties or their attorneys:

The court of appeal may draw any inferences from the facts stated in the case that a jury might draw from facts stated by witnesses:

Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in county courts, and to enforcing judgments in county courts, and appeals from decisions of the county court judges, and to the conditions of such appeals, and to the power of the superior courts on such appeals, shall apply to an action for a penalty under this act, and to an appeal from such action, in the same manner as if such

action and appeal related to a matter within the ordinary jurisdiction of the court:

Within the city of London and the liberties thereof the Sheriff's Court, established by a local act passed in the 11 Vict. c. lxxi, intituled "An Act for the more easy Recovery of Small Debts and Demands within the City of London and the Liberties thereof," shall be deemed to be the county court having jurisdiction in the case.

15. In Scotland, any offence under this act, with the exception of offences against a special rule, shall be prosecuted at the instance of the inspector, with the sanction of the Board of Trade, before the sheriff or sheriff substitute of the county in which the offence has been committed, and the sheriff or sheriff substitute having cognisance of such offences may award costs to either party, and may sentence the offender to imprisonment for any period not exceeding six months, unless the penalty and costs be previously paid; and any decision or sentence of such sheriff or sheriff substitute shall be subject to review and appeal according to law.

16. In Ireland, all penalties incurred under this act, with the exception of penalties against a special rule, may be recovered by civil bill at the instance of the inspector, with the sanction of the Board of Trade, in the manner and with the appeal directed by an act passed in the 14 & 15 Vict. c. 57, or any act or acts amending the law relating to civil bills.

17. All penalties recovered under this act, except in respect of offences against a special rule, shall be paid into the receipt of her Majesty's Exchequer in such manner as the Commissioners of the Treasury may determine.

18. All penalties incurred under this act in respect of any offence against a special rule may be recovered summarily in England and Ireland before two or more justices; as to England, in manner directed by an act passed in the session holden in the 11 & 12 Vict. c. 43, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders," or any act amending the same; as to Ireland, in manner directed by the act passed in the session holden in the 14 & 15 Vict. c. 93, intituled "An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in Ireland," or any act amending the same; and in Scotland, before the sheriff or two justices in manner directed by the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to penalties imposed by that act the recovery of which is not otherwise provided for.

19. This act shall continue in force to the 1st July, 1868, and no longer.

## CAP. CXXV.

An Act for promoting the Revision of the Statute-law by repealing certain Enactments which have ceased to be in force or have become unnecessary. [29th July, 1863.]

## LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.

26 & 27 VICTORIA.—SESSION 1863.

### CAP. i.

An Act for stopping up certain Streets and widening other Streets in the Borough of Cambridge.

### CAP. ii.

An Act to enable the Mid-Wales Railway Company to raise a further Sum of Money.

### CAP. iii.

An Act to grant further Powers to the Berks and Hants Extension Railway Company.

### CAP. iv.

An Act for repairing the Road from Market Harborough to Loughborough, in the County of Leicester; and for other Purposes.

### CAP. v.

An Act for enabling the London and North-western and Lancashire and Yorkshire Railway Companies to raise further Monies for Purposes connected with the North Union Railway and the Preston and Wyre Railway, Harbour, and Dock; and for other Purposes.

### CAP. vi.

An Act for conferring further Powers on the South Staffordshire Railway Company with respect to their Undertaking; and for other Purposes.

### CAP. vii.

An Act to regulate the Mode of Valuation of certain underground Gas Pipes or Works in the City of Glasgow, for the Purpose of Assessments under the Glasgow Police Act, 1862, in conformity with the Provisions of the General Police and Improvement (Scotland) Act, 1862.

### CAP. viii.

An Act for lighting with Gas Leyland and Farington, and other Places in the Neighbourhood thereof, in Lancashire.

### CAP. ix.

An Act to enable the Hereford, Hay, and Brecon Railway Company to raise a further Sum of Money; and for other Purposes.

### CAP. x.

An Act to enable the Caledonian Railway Company to make a Deviation of their Rutherglen and Coatbridge Branch, in the County of Lanark; and for other Purposes.

### CAP. xi.

An Act to enable the Scarborough Waterworks Company to raise further Sums of Money; and for other Purposes.

### CAP. xii.

An Act to enable the Harrogate Gas Company to raise additional Capital; to extend their Limits for supplying Gas; to repeal, amend, and extend the Act relating to the Company; and for other Purposes.

### CAP. xiii.

An Act to confer upon the Mayor, Aldermen, and Burgesses of the Borough of Swansea further Powers for the Improvement and Regulation of the Markets and Fairs in the said Borough, and also for communicating or disposing of certain Quayage and Town Dues now payable in the said Borough, and for the better Government and Regulation of the said Borough.

### CAP. xiv.

An Act to enable the Glasgow and South-western Railway Company to raise a further Sum of Money; and for other Purposes.

### CAP. xv.

An Act to enable the Leeds Gas-light Company to raise a further Sum of Money; to extend their Limits of Supply; and for other Purposes.

### CAP. xvi.

An Act to enable the Right Honourable William Earl of Lonsdale to make and maintain a Wet Dock at Workington, in the County of Cumberland, and a Railway therefrom to join the Whitehaven Junction Railway, in lieu of the Deck or Tidal Basin and Railway authorised by the Workington Dock Act, 1861; and for other Purposes.

### CAP. xvii.

An Act for better supplying the Town of Denbigh and Neighbourhood thereof with Water; and for other Purposes.

### CAP. xviii.

An Act to incorporate the North Bierley Gas-light and Coke Company, Limited, and to make further Provision for lighting North Bierley and other Townships and Places in the Neighbourhood thereof with Gas.

### CAP. xix.

An Act to repeal an Act passed in the Third Year of the Reign of His late Majesty King William IV., intituled "An Act for the more effectually repairing and maintaining the Turnpike Road from Pant Evan Brook, in the County of Flint, to Abergele, in the County of Denbigh, and thence to Conway Ferry House, in the County of Carnarvon."

### CAP. xx.

An Act for enabling the Vale of Llangollen Railway Company to raise additional Capital; and for other Purposes.

### CAP. xxi.

An Act to reduce and regulate the Capital of the Van Diemen's Land Company.

### CAP. xxii.

An Act for providing a Cattle Market in the City of Peterborough; and for other Purposes.

### CAP. xxiii.

An Act to incorporate a Company for holding a Market and Fairs in the Town and Parish of Aylesbury, in the County of Buckingham; and for other Purposes.

### CAP. xxiv.

An Act to enable the Caledonian Railway Company to make a Branch Railway from Carstairs to join the Leadburn, Linton, and Dolphinton Railway; and for other Purposes.

### CAP. xxv.

An Act for enabling the Caledonian Railway Company to widen and improve certain Portions of their Lesmahagow Branches; to make a Deviation and Extension in connexion therewith; to substitute Bridges for certain level Crossings on their Main Line and on the Glasgow, Barrhead, and Neilson Direct Railway; to alter certain Roads, improve and enlarge certain Stations and other Works, and acquire additional Lands; and for other Purposes.

## CAP. xxvi.

An Act for making a Railway from the Glasgow, Barrhead, and Neilston Direct Railway to Busby, with a Branch to Busby Print Works, in the Counties of Renfrew and Lanark; and for other Purposes.

## CAP. xxvii.

An Act for making a Turnpike Road from Penzance to St. Just, in Penrith, in the County of Cornwall, with Branches, and for the Adoption, Alteration, and Improvement, for the Purposes thereof, of certain Public Highways; and for other Purposes.

## CAP. xxviii.

An Act to continue the Cleeve and Evesham Turnpike Trust, in the County of Gloucester; and for other Purposes.

## CAP. xxix.

An Act to amend the Hamilton Waterworks Act, 1854, and to authorise the raising of a further Sum of Money; and for other Purposes.

## CAP. xxx.

An Act for more effectually repairing and improving the several Roads comprised in the Flint, Holywell, and Mostyn Districts of Roads; and for reviving and extending the Powers for the Construction of certain new Roads; and for other Purposes.

## CAP. xxxi.

An Act to extend the Time for completing the Cleveland Railway; to authorise the Cleveland Railway Company to raise further Sums of Money, and the West Hartlepool Harbour and Railway Company to hold additional Shares; and for other Purposes.

## CAP. xxxii.

An Act to enable the Inverness and Aberdeen Junction Railway Company to extend their Railway from Invergordon, in the County of Ross, to Tain and Bonar Bridge, in the same County; and for other Purposes.

## CAP. xxxiii.

An Act to enable the Local Board of Health for the District of Rugby, in the County of Warwick, to provide a better Supply of Water for the Inhabitants of that District and its Neighbourhood; and for other Purposes.

## CAP. xxxiv.

An Act for better supplying with Water the Towns of Newcastle-upon-Tyne and Gateshead, and the Neighbourhood thereof, and for amending and consolidating the Provisions of the Acts relating to the Whittle Dean Water Company.

## CAP. xxxv.

An Act for more effectually supplying Water to the Town of Great Grimsby, and several Places near thereto.

## CAP. xxxvi.

An Act to authorise the Accrington Gas and Water Works Company to extend their Gasworks and Waterworks, and their Limits of Supply; to raise additional Monies; and for other Purposes.

## CAP. xxxvii.

An Act to authorise the Surrey Consumers Gas Company to raise a further Sum of Money.

## CAP. xxxviii.

An Act for more completely merging in the Undertaking of the Caledonian Railway Company the Railways known as "The Granton Branches," and for raising Money to widen and improve the same; and for other Purposes.

## CAP. xxxix.

An Act for continuing the Term, and amending and extending the Provisions of the Act relating to the Desford Turnpike Road, being the Road branching out of the Leicester and Welford Road, at Poston-lane, to the Road leading from Hinckley to Ashby-de-la-Zouch, at Osbaston Toll-gate, in the County of Leicester.

## CAP. xl.

An Act for enabling the Newtown and Machynlleth Railway Company to raise additional Capital; and for other Purposes.

## CAP. xli.

An Act to amend the Acts relating to the Nottingham Gas Company, and to enable that Company to acquire additional Lands; and for other Purposes.

## CAP. xlii.

An Act for enabling the Cockermouth and Workington Railway Company to execute further Works; and for amending the Acts relating to their Railway.

## CAP. xliii.

An Act for making a Tramway in the Parish of Portsea, in the County of Southampton; and for other Purposes.

## CAP. xliiv.

An Act for extending the Limits within which the Maidstone Waterworks Company may supply Water, and for authorising them to provide additional Works, and to raise further Monies; and for other Purposes.

## CAP. xlv.

An Act for the Improvement of the Port and Harbour of Dungarvan; for vesting the Markets of that Town in the Town Commissioners of Dungarvan, and for enabling the said Commissioners to extend and regulate the same; for the Transfer from the Grand Jury of the County of Waterford to the said Commissioners of the Management of the Roads and Bridges in the said Town; for the Improvement of the said Town; and for other Purposes.

## CAP. xlii.

An Act to authorise the Construction of a new public Road from Battersea to Clapham; and for other Purposes.

## CAP. xlvii.

An Act for making an Extension of the Greenock and Wemyss Bay Railway, in the County of Renfrew, and a Pier in connexion therewith, in lieu of the Pier authorised by the Greenock and Wemyss Bay Railway Act, 1862; and for other Purposes.

## CAP. xlviii.

An Act for making further Provisions for the Drainage of the Marshland Smeeth and Fen District, in the County of Marshland, in the County of Norfolk; and for other Purposes.

## CAP. xlix.

An Act to amend the Acts relating to the Wear Navigation and Sunderland Docks, and to authorise the making of additional Works; and for other Purposes.

## CAP. l.

An Act for authorising the Cowes and Newport Railway Company to raise further Monies.

## CAP. li.

An Act to continue the Cheltenham Turnpike Trust, in the County of Gloucester; and for other Purposes.

## CAP. lii.

An Act for extending the District of the Local Board of Health for the District of Sowerby Bridge, in the West Riding of the County of York; to enable them to contract for Water, and supply the District therewith; to amend the Acts relating to the District; and for other Purposes.

## CAP. liii.

An Act for repairing the Road leading from Burleigh Bridge, in Loughborough, to Ashby-de-la-Zouch, in the County of Leicester; and also the Road branching out of the said Road at Coleorton Church to Rempstone, in the Counties of Leicester and Nottingham.

## CAP. liiv.

An Act to enable the Mersey Docks and Harbour Board to extend the North River Wall at Liverpool, and to raise a further Sum of Money; and for other Purposes.

## CAP. lv.

An Act to incorporate the Mercantile Marine Service Association of Liverpool, and to enable them the better to carry on their beneficial Designs.

## CAP. lvi.

An Act to enable the Cork and Kinsale Junction Railway Company to raise additional Money, and to contribute to an Hotel at Kinsale; and for other Purposes.

## CAP. lvi.

An Act for more effectually lighting with Gas the Parishes of Gravesend, Milton, and Northfleet, in the County of Kent.

## CAP. lviii.

An Act for the Amalgamation of the Perth and Dunkeld Railway Company with the Inverness and Perth Junction Railway Company.

## CAP. lix.

An Act to continue the Abergavenny Turnpike Trust, excepting certain Roads; and for other Purposes.

## CAP. lx.

An Act to enable the Bristol and Exeter Railway Company to purchase additional Lands, and raise further Sums of Money; to confer Powers with respect to the West Somerset and Chard and Taunton Railways, and other Undertakings; to alter Rates and Charges; to amend the Acts relating to the Company; and for other Purposes.

## CAP. lxi.

An Act to enable the Inverness and Perth Junction Railway Company to make Deviations of their authorised Line of Railway; and for other Purposes.

## CAP. lxii.

An Act to authorise the Mayor and Commonalty and Citizens of the City of London to rebuild Blackfriars Bridge.

## CAP. lxiii.

An Act for the making and maintaining of a Bridge over the River Mersey, to be called "Rixton and Warburton Bridge," with Roads thereto; and for other Purposes.

## CAP. lxiv.

An Act to enable the Whitehaven, Cleator, and Egremont Railway Company to extend their Railway from Lamplugh, to join the Cockermouth and Wokington Railway, in the County of Cumberland; to divert and alter a Portion of the Frizington Branch Railway at Cleator Moor; to raise further Capital; and for other Purposes.

## CAP. lxv.

An Act for making a Railway from Fochabers to Garmouth; and for other Purposes.

## CAP. lxvi.

An Act for the Regulation and Management of certain Railways between Seaham and Sunderland, in the County of Durham; the Construction of additional Railways in connexion therewith; the Acquisition of the Lands over which the same are or are to be constructed; and for other Purposes.

## CAP. lxvii.

An Act for making a Railway from Wareham to Swanage, in the County of Dorset; and for other Purposes.

## CAP. lxviii.

An Act for enabling the Mayor, Aldermen, and Citizens of the City of Manchester to construct new Works, and acquire additional Lands in connexion with their Waterworks; to extend their Limits of Supply; to improve Piccadilly, in Manchester; and for other Purposes.

## CAP. lxix.

An Act to authorise Arrangements between the London, Tilbury, and Southend Railway Company, and the Lessees of their Undertaking, and the Eastern Counties and London and Blackwall Railway Companies, with reference to the Lease and Working of the London, Tilbury, and Southend Railway; and for other Purposes.

## CAP. lxx.

An Act for enabling the Southampton and Netley Railway Company to make a Deviation of their authorised Line of Railway; and for other Purposes.

## CAP. lxxi.

An Act for the better Regulation of the Commons of the Manor of Rushall, and the Rights therein of the Freehold Tenants of the Manor; and for other Purposes.

## CAP. lxxii.

An Act for the Improvement of Pembroke Township, comprising Baggottrath, Donnybrook, Sandymount, Ringsend and Irishtown, in the Barony of Dublin and County of Dublin.

## CAP. lxxiii.

An Act for the Committal of Prisoners from the City and County of the City of Exeter to the Gaol and House of Correction for the County of Devon; and for the Sale and Disposal of the present Gaol and House of Correction for the City and County of the City of Exeter and the Land belonging thereto; and for other Purposes.

## CAP. lxxiv.

An Act for the Construction by the Midland Railway Company of a new Line of Railway between London and Bedford, with Branches therefrom; and for other Purposes.

## CAP. lxxv.

An Act for a Lease of the Undertaking of the Penarth Harbour Dock and Railway Company, to the Taff Vale Railway Company; and for other Purposes.

## CAP. lxxvi.

An Act to enable the Grand Jury of the County of Mayo to present and recover Arrears of Grand Jury Cess upon said County, and upon certain Baronies thereof, in order to the Payment of Sums due to Contractors and Others.

## CAP. lxxvii.

An Act for enabling the Central Wales Extension Railway Company to raise additional Capital; to make working and other Agreements with the London and North-western Railway Company; and for other Purposes.

## CAP. lxxviii.

An Act to enable the Lord Mayor, Aldermen, and Burgesses of Dublin to abandon a Portion of the Works authorised by the Dublin Corporation Waterworks Act, 1861, and to construct and maintain other Works; and for other Purposes.

## CAP. lxxix.

An Act for the Amalgamation of the Knighton and the Central Wales Railway Companies; for authorising Arrangements between those Companies, or either of them, and the London and North-western Railway Company; and for other Purposes.

## CAP. lxxx.

An Act to enable the Mid-Wales Railway Company to make a Branch Railway from the Mid-Wales Railway, in the Parish of St. Harmon, in the County of Radnor, to the Manchester and Milford Railway, in the Parish of Llangurig, in the County of Montgomery, and to enable the said Company to use the Brecon and Merthyr Junction Railways; and for other Purposes.

## CAP. lxxxi.

An Act to confer further Powers for embanking and reclaiming from the Sea the Estuary or Back Strand of Tramore, in the County of Waterford; and to amend the Tramore Embankment Act, 1852, and the Tramore Embankment Act, 1858.

## CAP. lxxxii.

An Act to empower the Furness Railway Company and the Midland Railway Company to construct a Railway to be called "The Furness and Midland Railway;" and for other Purposes.

## CAP. lxxxiii.

An Act for authorising the Saffron Walden Railway Company to make and maintain Railways to the Great Eastern Railway, at Bartlow; to raise further Monies; and for other Purposes.

## CAP. lxxxiv.

An Act for the Reclamation from the Sea of Waste Lands subject to be overflowed by the Tide, near to Horsey Island, on the Coast of Essex.

## CAP. lxxxv.

An Act to enable the Bishops Waltham Railway Company to increase their Capital; and for other Purposes.

## CAP. lxxxvi.

An Act to enable the Dublin, Wicklow, and Wexford Railway Company to purchase Lands in the City and County of Dublin; to construct a Branch Railway in the County of Wicklow; to raise additional Capital; and for other Purposes.

## CAP. lxxxvii.

An Act for authorising the Stockport District Waterworks Company to acquire existing Waterworks within their District, and to raise further Monies; and for other Purposes.

## CAP. lxxxviii.

An Act to enable the Ware, Hadham, and Buntingford Railway Company to raise additional Capital; and for other Purposes.

## CAP. lxxxix.

An Act for vesting the Harbour of Barrow, in the County of Lancashire, in the Furness Railway Company; for enabling the said Company to construct a Dock and other Works at Barrow, and to raise further Capital; and for other Purposes.

## CAP. xc.

An Act for authorising the Amalgamation of the Undertakings of divers Railway Companies with the Undertaking of the London and South-western Railway Company; and divers Arrangements between that Company and other Companies and Bodies; and for other Purposes.

## CAP. xci.

An Act for supplying with Gas the Villages of Elsecar, Wentworth, and Hoyland, and Parts adjacent, in the West Riding of the County of York.

## CAP. xcii.

An Act to authorise the Mayor, Aldermen, and Citizens of the City of Coventry, in the County of Warwick, to erect a Market House in the said City.

## CAP. xciii.

An Act for making better Provision for the Management and Relief of the Poor in the City of Norwich and County of the same City.

## CAP. xciv.

An Act for incorporating the Skipton Gas-light and Coke Company, and for conferring upon them further Powers for the Supply of Gas to the Township of Skipton and certain neighbouring Townships in the West Riding of the County of York.

## CAP. xcvi.

An Act for authorising the Stourbridge Railway Company to raise further Monies; and for other Purposes.

## CAP. xcvi.

An Act for authorising the Oswestry and Newtown Railway Company to make a Branch to Aberbechan, and to raise additional Capital; and for other Purposes.

## CAP. xcvi.

An Act to authorise the Shrewsbury and Welchpool Railway Company to raise a further Sum of Money; and for other Purposes.

## CAP. xcvi.

An Act to repeal an Act passed in the Eleventh Year of the Reign of His late Majesty King George IV, intituled "An Act for repairing, altering, and improving the Roads from Ashbourne to Sudbury, and from Sudbury to Yoxall Bridge, and from Hatton Moor to Tutbury, and from Uttoxeter to or near the Village of Draycott-in-the-Clay, and from Hadley Plain, on the late Forest or Chase of Needwood, to Calington Plain, on the same late Forest or Chase;" and to make other Provisions in lieu thereof.

## CAP. xcix.

An Act with respect to the Capital of the Cork and Youghal Railway Company, and to enable that Company to transfer their Undertaking.

## CAP. c.

An Act for the Improvement by the Coleraine Town Commissioners of the Navigation of the River Bann; and for other Purposes.

## CAP. ci.

An Act to authorise Arrangements between the Vestry and Guardians of the Poor of the Parish of St. Luke, in the County of Middlesex, for the Erection and Use of a Vestry Hall and Offices; to amend the Acts relating to such Workhouse and Parish; and for other Purposes.

## CAP. cii.

An Act for authorising the Company of Proprietors of the Southampton and Itchen Floating Bridge and Roads to improve their present Works, and to establish a new Floating Jetty, and to raise further Monies; and for other Purposes.

## CAP. ciii.

An Act to confer further Powers upon the Llanely Railway and Dock Company.

## CAP. civ.

An Act to enable the Buckley Railway Company to raise a further Sum of Money; and for other Purposes.

## CAP. cv.

An Act to enable the Launceston and South Devon Railway Company to make a Deviation of their authorised Line of Railway; and for other Purposes.

## CAP. cvi.

An Act to confer further Powers upon the Birkenhead Improvement Commissioners, and to make Provisions with respect to their Mortgage Debts, and to enable them to raise further monies; and for other Purposes.

## CAP. cvii.

An Act to authorise the Construction of a Pier at Portbury, in the County of Somerset, and of a Railway therefrom to the Bristol and Exeter Railway, near Bristol, with a Branch Railway to Portishead; and for other Purposes.

## CAP. cviii.

An Act to confer further Powers on the Cockermouth, Keswick, and Penrith Railway Company in relation to their Undertaking; to enable the London and North-western and the Stockton and Darlington Railway Companies to subscribe thereto; and for other Purposes relating thereto, and to the Cockermouth and Workington Railway.

## CAP. cx.

An Act for authorising the making and maintaining of Lines of Railway to connect the Andover and Redbridge Railway with the London and South-western Railway; and for the Amalgamation of the Andover and Redbridge Railway with the London and South-western Railway; and for other Purposes.

## CAP. cx.

An Act to incorporate a Company for making a Railway from the London and North-western Railway to Newport Pagnell, with Powers to purchase the Newport Pagnell Canal.

## CAP. cxi.

An Act to authorise the Construction of Docks at Tranmere Pool, in the County of Chester.

## CAP. cxii.

An Act to incorporate the Great Yarmouth Gas Company, and make further Provision for lighting the Town of Great Yarmouth and certain neighbouring Places with Gas.

## CAP. cxiii.

An Act for the Amalgamation of the West Midland Railway Company with the Great Western Railway Company; and for other Purposes.

## CAP. cxiv.

An Act for making a Railway from the Ashworth and Evesham Railway of the Midland Railway Company, in the Parish of St. Lawrence, Evesham, in the County of Worcester, to the Redditch Railway at Redditch, with a Branch to the West Midland Railway; and for other Purposes.

## CAP. cxv.

An Act for regulating the Capital and Debenture Debt of the Charing-cross Railway Company; and for authorising the Amalgamation of that Company with the South-eastern Railway Company; and for other Purposes.

## CAP. cxvi.

An Act to alter the Line of the Letterkenny Railway, in the County of Donegal; to extend and enlarge the Powers of the Act relating to that Railway; and to authorise certain Arrangements with the Londonderry and Lough Swilly Railway Company; and for other Purposes.

## CAP. cxvii.

An Act for enabling the Local Board of Health for the District of Rotherham and Kimberworth, in the West Riding of the County of York, to construct and maintain an improved System of Waterworks for the Supply of the District and adjacent Places with Water; and for enabling the Board to purchase the existing Markets and Fairs within the District, and to establish new Markets and Fairs within the District, and to purchase and extinguish Dues and Duties paid and collected within the Town of Rotherham; and for amending Acts relating to the District; and for other Purposes.

## CAP. cxviii.

An Act for making a Railway from the London and South-western Railway to Seaton, otherwise Seaton-with-Beer, in the County of Devon; and for other Purposes.

## CAP. cxix.

An Act for the Consolidation of the Acts relating to the Port and Harbour of the Town and County of Southampton, and of the Acts relating to the Southampton Pier; and for constituting One united Body or Harbour Board for such Port, Harbour, and Pier; with further Powers.

## CAP. cxx.

An Act for the Amalgamation of the Swansea and Neath Railway Company with the Vale of Neath Railway Company; and for authorising the Vale of Neath Railway Company to make a further Line of Railway, and to raise further Monies; and for other Purposes.

## CAP. cxxi.

An Act for the Improvement of Blackrock, Monkstown, and Booterstown, in the Baronies of Dublin and Rathdown, and County of Dublin.

## CAP. cxxii.

An Act for the Amalgamation of the Stockton and Darlington Railway Company with the North-eastern Railway Company; and for other Purposes.

## CAP. cxxiii.

An Act to grant further Powers to the Belfast, Holywood, and Bangor Railway Company, and to extend the Time for the Completion of their Undertaking; to authorise contributions towards a Quay and other Works at Bangor; and for other Purposes.

## CAP. cxxiv.

An Act to enable the Devon Valley Railway Company to create Preference Shares; to reduce the Capital of the Company; and for other Purposes.

## CAP. cxxv.

An Act to create a further Term in so much of the Newcastle-upon-Tyne and Carlisle Turnpike Road as is within the County of Northumberland; to repeal, amend, and extend the Powers of the Act relating to the said Road; and for other Purposes.

## CAP. cxxvi.

An Act to enable the Merthyr, Tredegar, and Abergavenny Railway Company to raise an additional Sum of Money, and to execute further Works; and for other Purposes.

## CAP. cxxvii.

An Act to authorise the Leominster and Kington Railway Company to enter into Working Arrangements with, and to lease or sell their Railway to, the West Midland Railway Company; and for other Purposes.

## CAP. cxxviii.

An Act to authorise the Construction of a Railway in the County of Anglesey, to be called "The Anglesey Central Railway;" and for other Purposes.

## CAP. cxxix.

An Act for authorising the Okehampton Railway Company to extend their Railway from Okehampton to the Launceston and South Devon Railway, near Lidford, and to raise further Monies; and for other Purposes.

## CAP. cxxx.

An Act to enable the Dulais Valley Mineral Railway Company to deviate Portions of their authorised Line; to make a Railway to Brecon; to change the Name of the Company; and for other Purposes.

## CAP. cxxxi.

An Act to grant further Powers to the Watford and Rickmansworth Railway Company.

## CAP. cxxxii.

An Act for making a Railway from the Bristol and Birmingham Line of the Midland Railway, at Stonehouse, to Nailsworth, in the County of Gloucester.

## CAP. cxxxiii.

An Act to extend the Time for the Completion of the Athenry and Ennis Junction Railway; and for other Purposes.

## CAP. cxxxiv.

An Act to empower the Ringwood, Christchurch, and Bournemouth Railway Company to extend their Railway to Bournemouth; and for other Purposes.

## CAP. cxxxv.

An Act to extend the Term and amend the Provisions of the Act relating to the Turnpike Road from Wakefield to Aberford, in the County of York.

## CAP. cxxxvi.

An Act to grant further Powers to the West Midland Railway Company, and to enable them to make a Branch Railway, in the County of Glamorgan; and for other Purposes.

## CAP. cxxxvii.

An Act to enable the London, Brighton, and South-coast Railway Company to make a Railway from Dorking to Leatherhead; and for other Purposes.

## CAP. cxxxviii.

An Act to authorise the Mid-Kent Railway Company to raise a further Sum of Money.

## CAP. cxxxix.

An Act to authorise the Construction of Railways in Glamorganshire, to be called "The Ogmore Valley Railways."

## CAP. cxli.

An Act to alter and amend the Acts relating to the Lands Improvement Company.

## CAP. cxlii.

An Act for authorising the Aberystwith and Welsh-coast Railway Company to make and maintain further Lines of Railway and other Works, and to make Arrangements with other Companies, and to raise further Monies; and for other Purposes.

## CAP. cxlii.

An Act to enable the London, Brighton, and South-coast Railway Company to make Extensions and Alterations of their Railways authorised by the London, Brighton, and South-coast Railway (New Lines) Act, 1862, and other Works; and for other Purposes.

## CAP. cxliii.

An Act to authorise the Tendring Hundred Railway Company to extend their Railway to Weeley and Walton, in Essex.

## CAP. cxliv.

An Act to enable the Tees Conservancy Commissioners to purchase additional Lands; to alter existing and impose new Tolls, Rates, and Duties; to confer additional Powers for raising Money; to repeal and amend the existing Acts of the Commissioners; to confer additional Powers; and for other Purposes.

## CAP. cxlv.

An Act to enable the West Shropshire Mineral Railway Company to make a Deviation and a new Railway, and to make Agreements with other Companies; and for other Purposes.

## CAP. cxlvi.

An Act to enable the South Yorkshire Railway and River Don Company to alter their authorised Line; to purchase the Barnsley Coal Railway; and for other Purposes relating to the same Company.



## CAP. cxlvii.

An Act to grant to the Great Northern Railway Company certain Powers with respect to the Stockport and Woodley Junction, Cheshire Midland, Stockport, Timperley, and Altrincham Junction, West Cheshire, and Manchester South Junction and Altrincham Railways; and for other Purposes.

## CAP. cxlviii.

An Act to enable the Glasgow and South-western Railway Company to use the Railway of the Ayr and Maybole Junction Railway Company; and for other Purposes relating to that Railway.

## CAP. cxlix.

An Act to enable the Scottish Central Railway Company to make Branches to Plean Mineral Fields; and for other Purposes.

## CAP. cl.

An Act to repeal an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George IV, intituled "An Act for more effectually repairing and improving the Road from Standedge, in Saddleworth, in the County of York, to Oldham, in the County of Lancaster, and other Roads in the said County of York, and for making and maintaining Two new Branches to communicate therewith, and granting more effectual Powers in lieu thereof; and for other Purposes.

## CAP. cli.

An Act for enabling the Great Western Railway Company to construct a Railway from their Birmingham, Wolverhampton, and Dudley Line, in the Parish of West Bromwich, to the South Staffordshire Railway, in the Parish of Tipton, in the County of Stafford; and for other Purposes.

## CAP. clii.

An Act for making a Railway from the London and North-western Railway at Boxmoor, to Hemel Hempstead, in the County of Hertford; and for other Purposes.

## CAP. cliii.

An Act to grant further Powers to the Portadown, Dungannon, and Omagh Junction Railway Company; to amend the Acts relating to the Company; and for other Purposes.

## CAP. cliiv.

An Act for regulating the Debenture Debt and Capital of the West Hartlepool Harbour and Railway Company; and for other Purposes.

## CAP. cliv.

An Act to repeal an Act passed in the Fourth Year of the Reign of His Majesty King George IV, intituled "An Act for repairing the Roads from the Borough of Tamworth, in the Counties of Stafford and Warwick, to the Town of Ashby-de-la-Zouch, in the County of Leicester, and from Harrington Bridge (heretofore Sawley Ferry), in the said County of Leicester to a Turnpike Gate at or near the End of Swarcliffe-lane, leading to Ashby-de-la-Zouch aforesaid; and for granting more effectual Powers in lieu thereof.

## CAP. clivi.

An Act for continuing the Term, and amending and extending the Provisions, of the Act relating to the Road from the Bottom of Kirkgate to the Bottom of Westgate, both in the Parish of Wakefield, in the West Riding of the County of York; and to make other Provisions in lieu thereof.

## CAP. clii.

An Act to enable the Glasgow and South-western Railway Company to make a Junction Line of Railway to connect the Glasgow and Paisley Joint Line of Railway with the Paisley and Renfrew Railway and other Works; and for other Purposes.

## CAP. cliiii.

An Act to authorise the North Staffordshire Railway Company to make certain Railways at Burton-upon-Trent, and from their Railway at Burslem to their Railway at Cheddleton; and to acquire Station Lands at Burton and Uttoxeter; and for other Purposes.

## CAP. clix.

An Act for incorporating the Teign Valley Railway Company, and for authorising them to make and maintain the Teign Valley Railway; and for other Purposes.

## CAP. clx.

An Act to authorise the Construction of a Railway from the Midland Great Western Railway of Ireland to the Town of Ballaghaderren; and for other Purposes.

## CAP. clxi.

An Act for enabling the Law Life Assurance Society to sue and be sued in their own Name; and for making further Provision with respect to the Investment of Monies; and for other Purposes.

## CAP. clxii.

An Act to enable the Galway Town Improvement Commissioners to construct Waterworks, and obtain a Supply of Water for the Town of Galway; and for other Purposes.

## CAP. clxiii.

An Act to revive the Powers for the Purchase of Lands, and to extend the Time for the Completion of Works, authorised by the Milford Haven Dock and Railway Act, 1860; and for other Purposes.

## CAP. clxiv.

An Act to authorise the Great North of Scotland Railway Company to construct a Railway to connect their Railway with the Scottish North-eastern Railway at Aberdeen.

## CAP. clxv.

An Act to enable the Metropolitan Railway Company to acquire certain additional Lands for the Purposes of their Undertaking; and for other Purposes.

## CAP. clxvi.

An Act to enable the Carmarthen and Cardigan Railway Company to extend their Railway from Newcastle-Emlyn to Cardigan.

## CAP. clxvii.

An Act to enable the Bradford, Wakefield, and Leeds Railway Company to make a Railway to Methley, in the West Riding of the County of York; and for other Purposes.

## CAP. clxviii.

An Act for making a Railway from the Great Western Railway at Radstock to Bristol, together with Branches therefrom to Camerton and other Places; and for other Purposes.

## CAP. clxix.

An Act for extending the Limits within which the Lowestoft Water, Gas, and Market Company may supply Water and Gas; and for authorising them to raise further Monies; and for other Purposes.

## CAP. clxx.

An Act for extending the Banff, Portsoy, and Strathisla Railway to Portgordon; and for other Purposes.

## CAP. clxxi.

An Act for making a Railway from the Aberdare Railway, in the Parish of Aberdare, in the County of Glamorgan, with a Branch therefrom, to be called "The Dare Valley Railway;" and for other Purposes.

## CAP. clxxii.

An Act to authorise the Hammersmith and City Railway Company to make another Junction with the Great Western Railway; and for other Purposes.

## CAP. clxxiii.

An Act to extend the Time for making the Uxbridge and Rickmansworth Railway.

## CAP. clxxiv.

An Act for incorporating a Company for making a Railway in the Counties of Warwick, Stafford, and in the City and County of the City of Lichfield, to be called "The Birmingham and Sutton Coldfield Extension Railway;" and for other Purposes.

## CAP. clxxv.

An Act to authorise the Construction of a Tramroad from the South-eastern Railway at Hastings, to Hastings Harbour.

## CAP. clxxvi.

An Act to provide additional Powers for the Completion of certain Approach Roads to Wexford Free Bridge; and for other Purposes.

## CAP. clxxvii.

An Act to empower the London and North-western Railway Company to make new Branch Railways, and to abandon Part of the Chelford and Knutsford Line of their Railway; and for other Purposes.

## CAP. clxxviii.

An Act for making a Railway from the Great Eastern Railway at Mistley to Walton-on-the-Naze, in the County of Essex; and for other Purposes.

## CAP. clxxix.

An Act to enable the Bala and Dolgelley Railway Company to construct additional Works at Dolgelley, in the County of Merioneth; to amend the Acts relating to the Company; and to authorise certain Arrangements with the Abersyth and Welsh-coast Railway Company; and for other Purposes.

## CAP. clxxx.

An Act for incorporating the Frieston Reclamation Company; and for authorising them to reclaim certain Lands in the Estuary of the Wash; and for other Purposes.

## CAP. clxxxi.

An Act for authorising the Madras Irrigation and Canal Company to keep separate Accounts; and for other Purposes.

## CAP. clxxxii.

An Act for the Construction by the Midland Railway Company of a new Railway in the City of Bristol; and for other Purposes.

## CAP. clxxxiii.

An Act for enabling the Midland Railway Company to construct new Railways and Works, and to acquire additional Lands in the West Riding of the County of York, and in the Counties of Derby, Warwick, Leicester, Gloucester, the City of Worcester, Nottingham, the Town of Nottingham, and Northampton; and for other Purposes.

## CAP. clxxxiv.

An Act to enable the Trustees of Newhaven Harbour and Ouse Lower Navigation to form a new Cut for diverting the Channel of the River Ouse, and to construct a Road, Tramway, and other Works for the Improvement of the said Harbour and Navigation; and for other Purposes.

## CAP. clxxxv.

An Act for making Railways from the Worcester and Hereford Line of the West Midland Railway Company through the Forest of Dean to the Coleford, Monmouth, Usk, and Pontypool Railway; and for other Purposes.

## CAP. clxxxvi.

An Act to enable the Colne Valley and Halstead Railway Company to increase their Capital; to use Part of the Great Eastern Railway at Haverhill; and for other Purposes with respect to the same Company.

## CAP. clxxxvii.

An Act to authorise the Edinburgh Water Company to introduce an additional Supply of Water to the City of Edinburgh and Town and Port of Leith and Places adjacent; and for other Purposes.

## CAP. clxxxviii.

An Act to enable the Banff, Macduff, and Turriff Extension Railway Company to extend their Railway from the Bridge of Banff to the Harbour of Macduff; and for other Purposes.

## CAP. clxxxix.

An Act to authorise the Formartine and Buchan Railway Company to abandon the authorised Extension to Fraserburgh, and to make another Line instead thereof; also to make a new Road in connexion with the Peterhead Extension; and for other Purposes.

## CAP. cxc.

An Act to amend the Great Eastern Railway Act, 1862, and to confer Powers in reference to the Undertakings of the Great Eastern, the Waveney Valley, the Lynn and Hunstanton, and the Bishop Stortford, Dunmow, and Braintree Railways; and for other Purposes.

## CAP. cxci.

An Act to enable the Great Northern Railway Company to extend their Railway from Spalding to the Great Eastern Railway at March, in Cambridgeshire.

## CAP. cxcii.

An Act to enable the London, Brighton, and South-coast Railway Company to make a new Line of Railway at Croydon, and a Tramway at Newhaven; to acquire additional Lands; and for other Purposes.

## CAP. cxciii.

An Act to amend the Lynn and Sutton Bridge Railway Act 1861.

## CAP. cxclv.

An Act to authorise the North British Railway Company to raise more Money; and an Amalgamation with them of the Wansbeck Railway Company; and for other Purposes.

## CAP. cxcv.

An Act for making a Railway from a Point near to Eskbank Station on the Line of the Hawick Branch of the North British Railway to Springfield, in the Parish of Lasswade, in the County of Edinburgh, to be called "The Esk Valley Railway;" and for other Purposes.

## CAP. cxcvi.

An Act to enable the Brecon and Merthyr Tydfil Junction Railway Company to make a Deviation from the Line of Railway first authorised by the Brecon and Merthyr Railway Act, 1862, and to improve the Access to their Brecon Station; and for other Purposes.

## CAP. cxcvii.

An Act for making and maintaining Bridges over the River Thames at Hampton and Shepperton; and for other Purposes.

## CAP. cxcviii.

An Act for the Amalgamation of the South Wales Railway Company with the Great Western and West Midland Railway Companies; and for other Purposes.

## CAP. cxcix.

An Act for incorporating a Company, and for making and maintaining the Ely Valley Extension Railway; and for other Purposes.

## CAP. cc.

An Act to revive the Powers for the Purchase of Land, and for the Completion of the Milford Railway, and to raise further Capital, and to authorise Agreements with other Companies; and for other Purposes.

## CAP. ccli.

An Act for making a Railway from Defynnock to Llandovery; and for other Purposes.

## CAP. ccii.

An Act for making a Railway to complete the Connexion between the Brecon and Merthyr Tydfil Junction Railway and the Rumney Railway; for enabling the Brecon and Merthyr Tydfil Junction Railway Company to acquire the Rumney Railway; for facilitating the Transmission of Traffic over, from, and at the Rhymney Railway; and for other Purposes.

## CAP. cciii.

An Act to enable the Kettering and Thrapstone Railway Company to extend their authorised Line of Railway to Huntingdon, with a Branch Railway at Huntingdon; to change their Name; to authorise them to use certain Stations and Portions of Railway of the Great Eastern Railway Company and the Great Northern Railway Company; and to make Traffic Arrangements with the Midland Railway Company and the Great Northern Railway Company; and for other Purposes.

## CAP. cciv.

An Act to enable the London, Chatham, and Dover Railway Company to extend their Railway to Greenwich; to improve the Communication with the Victoria Station; and to execute certain other Works in connexion with their Undertaking.

## CAP. ccv.

An Act for authorising the Tottenham and Hampstead Junction Railway Company to make and maintain an additional Line of Railway, and to raise further Money; and for other Purposes.

## CAP. ccvi.

An Act for the better Regulation of the Traffic in the Streets of the City of London, and for the Prevention of Obstructions therein.

## CAP. ccvii.

An Act for making and maintaining Railways from Birkenhead and Poulton-cum-Seacombe to Hoylake, in the County of Chester.

## CAP. ccviii.

An Act for increasing the Capital of, and conferring further Powers on, the West London Extension Railway Company; amending their Acts; providing for the Dissolution of the West London Railway Company; and for other Purposes.

## CAP. ccix.

An Act for the Amalgamation of the Hibernian Mine Company with the Wicklow Copper Mine Company (Limited); and for other Purposes.

## CAP. ccx.

An Act to enable the Morayshire Railway Company to raise additional Capital; and for other Purposes.

## CAP. ccxi.

An Act to incorporate a Company for making a new Bridge from Putney to Fulham; and for other Purposes.

## CAP. ccxii.

An Act to amend the Act and enlarge the Powers of Bonelli's Electric Telegraph Company (Limited).

## CAP. ccxiii.

An Act to authorise the Construction of Railways and other Works for improving the Railway Communication between Edinburgh and Perth, via the Firth of Forth; and for other Purposes.

## CAP. ccxiv.

An Act for more effectually making, maintaining, and keeping in repair the Roads, Highways, and Bridges within the Counties of Elgin and Nairn; and for other Purposes.

## CAP. ccxv.

An Act for repairing, amending, and maintaining the Public Roads and Bridges in the County of Haddington.

## CAP. ccxvi.

An Act for making a Railway from the Town of Hadlow, in the County of Kent, to the Sevenoaks, Maidstone, and Tunbridge Railway, in the Parish of Ightham, in the aforesaid County; and for other Purposes.

## CAP. ccxvii.

An Act for conferring additional Powers on the London and North-western Railway Company for the Construction of Works, and otherwise in relation to their own Undertaking and the Undertakings of other Companies; and for other Purposes.

## CAP. ccxviii.

An Act to enable the London, Brighton, and South-coast Railway Company to make new Lines of Railway to Mitcham, Sutton, and Tooting, in Surrey, and to connect the same with other Railways; and for other Purposes.

## CAP. ccxix.

An Act for authorising the Construction of a Dock, and Railways, and other Works, upon or near Neyland Pill, at Milford Haven, in the County of Pembroke; and for other Purposes.

## CAP. ccxx.

An Act to authorise the Construction of a Railway in the County of Northampton, to be called "The Northampton and Banbury Junction Railway;" and for other Purposes.

## CAP. ccxxi.

An Act to enable the North-eastern Railway Company to construct Branch Railways at Newcastle-upon-Tyne and Starbeck; and for other Purposes.

## CAP. ccxxii.

An Act for making a Railway from Peterborough to Thorney, Wisbeach, and Sutton; and for other Purposes.

## CAP. ccxxiii.

An Act to vest the Undertaking of the Dundee and Perth and Aberdeen Railway Junction Company, and their Interest in the Dundee and Newtyle Railway, in the Scottish Central Railway Company; and for other Purposes.

## CAP. ccxxiv.

An Act to enable the Waterford and Passage Railway Company to extend their Railway to the South-west Shore of the Estuary of the River Suir, at Passage, and in connexion therewith to establish, make, and maintain Ferries on or across the said Estuary; and for other Purposes.

## CAP. ccxxv.

An Act to authorise the Great Eastern Railway Company to run Steam Vessels between Harwich and certain Foreign Ports.

## CAP. ccxxvi.

An Act to authorise the North British Railway Company to run Steam Vessels between Port Carlisle and Silloth and Belfast.

## CAP. ccxxvii.

An Act to confer further Powers on the London, Brighton, and South-coast Railway Company, with reference to the widening and Improvement of the Pimlico Railway; and for other Purposes.

## CAP. ccxxviii.

An Act to incorporate a Company for constructing Docks, Warehouses, and other Works, in the Parish of St. Mary, Battersea, in the County of Surrey.

## CAP. ccxxix.

An Act to authorise the Construction of a Railway from Newry to Carlingford Lough, and of a Pier and other Works in connexion therewith.

## CAP. ccxxx.

An Act for making a Railway from the West Cornwall Railway, at or near St. Erth, to the Town of St. Ives, in the County of Cornwall; and for other Purposes.

## CAP. ccxxxi.

An Act to unite and amalgamate the Undertaking of the Dundee and Arbroath Railway Company with the Undertaking of the Scottish North-eastern Railway Company, and to regulate the Management of, and confer additional Powers on, the united Company; and for other Purposes.

## CAP. ccxxxii.

An Act for changing the Name of the Isle of Wight Eastern Section Railway Company, and for authorising them to make and maintain Railways (the Central Lines) in Extension of their authorised Railways (the Eastern Lines), and to raise Monies for the Purpose, and to make Arrangements with other Companies; and for other Purposes.

## CAP. ccxxxiii.

An Act for making a Railway from the Irish North-western Railway, at Dundalk, to Greenore, in the County of Louth; and for other Purposes.

## CAP. ccxxxiv.

An Act for incorporating a Company for making a Railway from the Sidmouth Railway, near Tipton, to Budleigh Salterton; and for other Purposes.

## CAP. ccxxxv.

An Act for making Railways, in the County of Northumberland, from the Wansbeck Railway, in the Parish of Hartburn, to the Parish of Ford, and thence to the Berwick and Kelso Branch of the North-eastern Railway; and for other Purposes.

## CAP. ccxxxvi.

An Act to empower the Irish North-western Railway Company to extend their Railway along the Quays of Dundalk; and for other Purposes.

## CAP. ccxxxvii.

An Act to authorise the Edinburgh and Glasgow Railway Company to make a Railway to South Queensferry, with subsidiary Branches and Works; and for other Purposes.

## CAP. ccxxxviii.

An Act to enable the North-eastern Railway Company to construct a Railway from the Hull and Selby Railway, at Staddlethorpe, to the authorised Line of the South Yorkshire Railway, near Thorne, with two Branches therefrom; to raise additional Capital; and for other Purposes.

# A TABLE OF THE PUBLIC STATUTES

## PASSED IN THE SESSION 1863—26 & 27 VICTORIA,

### ABSTRACTED IN THIS VOLUME.

<p><b>CAP. I.</b> An Act to enable Her Majesty to provide for the Establishment of His Royal Highness the Prince of Wales and Her Royal Highness the Princess Alexander of Denmark, and to settle certain Annuities on Her Royal Highness (5th March, 1863) .. .. . 1</p>	<p><b>CAP. XVI.</b> An Act for raising the Sum of One Million Pounds by Exchequer Bonds for the Service of the Year 1863 (11th May, 1863) .. .. . 5</p>
<p><b>CAP. II.</b> An Act to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Passage through the Metropolis of Her Royal Highness the Princess Alexander of Denmark (5th March, 1863) .. .. . <i>ib.</i></p>	<p><b>CAP. XVII.</b> An Act for amending the Local Government Act, 1858 (11th May, 1863) .. .. . <i>ib.</i></p>
<p><b>CAP. III.</b> An Act to extend the Credit for Payment of a Portion of the Excise Duty on Malt (27th March, 1863) .. .. . <i>ib.</i></p>	<p><b>CAP. XX.</b> An Act to further limit and define the Time for proceeding to Election during the Recess (8th June, 1863) .. .. . 6</p>
<p><b>CAP. IV.</b> An Act to extend for a further Period the Provisions of the Union Relief Aid Act of the last Session (27th March, 1863) .. .. . <i>ib.</i></p>	<p><b>CAP. XXI.</b> An Act to amend the Law enabling Boards of Guardians to recover Costs of Maintenance of illegitimate Children in certain Cases in Ireland (8th June, 1863) .. .. . <i>ib.</i></p>
<p><b>CAP. V.</b> An Act to amend the Law relating to the Royal Naval Coast Volunteers (27th March, 1863) .. .. . <i>ib.</i></p>	<p><b>CAP. XXII.</b> An Act to grant certain Duties of Customs and Inland Revenue (8th June, 1863) .. .. . <i>ib.</i></p>
<p><b>CAP. VI.</b> An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year 1863 (27th March, 1863) .. .. . <i>ib.</i></p>	<p><b>CAP. XXIII.</b> An Act to alter the Boundaries of New Zealand (8th June, 1863) .. .. . 7</p>
<p><b>CAP. VII.</b> An Act for altering the Duties on Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond (27th March, 1863) .. .. . 2</p>	<p><b>CAP. XXIV.</b> An Act to facilitate the Appointment of Vice-Admirals and of Officers in Vice-Admiralty Courts in Her Majesty's Possessions abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts (8th June, 1863) .. .. . <i>ib.</i></p>
<p><b>CAP. X.</b> An Act for prohibiting the Exportation of Salmon at certain Times (20th April, 1863) .. .. . <i>ib.</i></p>	<p><b>CAP. XXV.</b> An Act to make further Provision for the Investment of the Monies received by the Commissioners for the Reduction of the National Debt from the Trustees of Savings Banks established under the Enactments of the Act 9 Geo. 4, c. 92 (8th June, 1863) .. .. . <i>ib.</i></p>
<p><b>CAP. XI.</b> An Act for the Registration of Births and Deaths in Ireland (20th April, 1863) .. .. . <i>ib.</i></p>	<p><b>CAP. XXVI.</b> An Act to facilitate the Drainage of Land in Ireland (8th June, 1863) .. .. . <i>ib.</i></p>
<p><b>CAP. XII.</b> An Act to abolish the Office of Secretary-at-War, and to transfer the Duties of that Office to One of Her Majesty's Principal Secretaries of State (4th May, 1863) .. .. . 3</p>	<p><b>CAP. XXVII.</b> An Act to amend the Law relating to Marriages in Ireland (8th June, 1863) .. .. . <i>ib.</i></p>
<p><b>CAP. XIII.</b> An Act for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs (4th May, 1863) .. .. . <i>ib.</i></p>	<p><b>CAP. XXVIII.</b> An Act to give further Facilities to the Holders of the Public Stocks (8th June, 1863) .. .. . <i>ib.</i></p>
<p><b>CAP. XIV.</b> An Act to amend the Law relating to Post-office Savings Banks (4th May, 1863) .. .. . 4</p>	<p><b>CAP. XXIX.</b> An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament (8th June, 1863) .. .. . 4</p>

## CAP. XXX.

An Act to authorise further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations (22nd June, 1863) .. .. 11

## CAP. XXXIII.

An Act for granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue (29th June, 1863) .. .. *ib.*

## CAP. XXXIV.

An Act to carry into effect an additional Article to the Treaty of the 7th April, 1862, between Her Majesty and the United States of America, for the Suppression of the African Slave Trade (29th June, 1863) .. .. 14

## CAP. XXXVI.

An Act for carrying into effect the Report of the Commissioners appointed to inquire into the State of the Dioceses of Canterbury, London, Winchester, and Rochester; and for other Purposes (29th June, 1863) .. .. *ib.*

## CAP. XXXVIII.

An Act to amend the Act for placing the Employment of Women, young Persons, and Children in Bleaching Works and Dyeing Works, under the Regulation of the Factories Acts (29th June, 1863) .. .. *ib.*

## CAP. XL.

An Act for the Regulation of Bakehouses (13th July, 1863) .. .. *ib.*

## CAP. XLI.

An Act to amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them (13th July, 1863) .. .. 15

## CAP. XLII.

An Act to amend the Act of the Twentieth and Twenty-first Years of Victoria, authorising the Sale of Mill Sites and Water Powers by the Commissioners of Public Works in Ireland (13th July, 1863) .. .. *ib.*

## CAP. XLIII.

An Act to enable Her Majesty's Postmaster-General to sell and otherwise to dispose of Land (13th July, 1863) 16

## CAP. XLIV.

An Act for the further Security of the Persons of Her Majesty's Subjects from personal Violence (13th July, 1863) .. .. *ib.*

## CAP. XLVI.

An Act for further continuing and appropriating the London Coal and Wine Duties (13th July, 1863) .. .. *ib.*

## CAP. XLVII.

An Act for removing Doubts as to the Powers of the Courts of the Church of Scotland, and extending the Powers of the said Courts (13th July, 1863) .. .. *ib.*

## CAP. XLVIII.

An Act to repeal the Act of the 20 & 21 Vict. c. 66, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service (13th July, 1863) .. .. *ib.*

## CAP. XLIX.

An Act giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of Cornwall, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other Purposes (13th July, 1863) .. .. *ib.*

## CAP. L.

An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the 1st January, 1865, and to amend the said Act (13th July, 1863) . 17

## CAP. LI.

An Act to amend the Passengers Act, 1855 (13th July, 1863) .. .. *ib.*

## CAP. LII.

An Act to further extend and make compulsory the Practice of Vaccination in Ireland (13th July, 1863) .. 19

## CAP. LIII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom (13th July, 1863) *ib.*

## CAP. LVI.

An Act to make perpetual an Act to amend the Laws relating to Loan Societies (31st July, 1863) .. .. *ib.*

## CAP. LVII.

An Act to consolidate and amend the Acts relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers in case of Death, and to make like Provision for the Cases of Desertion and Insanity, and other Cases (31st July, 1863) .. .. *ib.*

## CAP. LXI.

An Act to prevent Waywardens contracting for Works within their own District (21st July, 1863) .. .. 20

## CAP. LXII.

An Act to amend the Law relating to the Seizure of growing Crops in Ireland (21st July, 1863) .. .. *ib.*

## CAP. LXV.

An Act to consolidate and amend the Acts relating to the Volunteer Force in Great Britain (21st July, 1863) .. *ib.*

## CAP. LXVI.

An Act to amend the Law relating to Prisons in Ireland (21st July, 1863) .. .. 20

## CAP. LXVII.

An Act to enable Provision to be made out of the Funds of Greenwich Hospital for the Widows of Seamen and Marines slain, killed, or drowned in the Sea Service of the Crown (21st July, 1863) .. .. *ib.*

## CAP. LXVIII.

An Act to extend the Powers of the Act relating to the Main Drainage of the Metropolitan (21st July, 1863) .. .. *ib.*

## CAP. LXIX.

An Act to establish Officers of the Royal Naval Reserve (21st July, 1863) .. .. *ib.*

## CAP. LXX.

An Act to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorise, for that Purpose, the Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of the Local Government Act, 1858, in certain Cases (21st July, 1863) .. .. *ib.*

## CAP. LXXIII.

An Act to give further Facilities to the Holders of India Stock (28th July, 1863) .. .. 33

## CAP. LXXIV.

An Act to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, a legal Tender for Payments; and for other Purposes relating thereto (28th July, 1863) .. 35

## CAP. LXXV.

An Act for the Embankment of Part of the River Thames, on the South Side thereof, in the Parish of St. Mary, Lambeth; and for other Purposes (28th July, 1863) .. 35

## CAP. LXXVI.

An Act to determine the Time at which Letters-patent shall take effect in the Colonies (28th July, 1863) .. 36

## CAP. LXXVII.

An Act to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices (28th July, 1863) .. .. ib.

## CAP. LXXVIII.

An Act to amend the Acts relating to the Turnpike Roads in the Neighbourhood of the Metropolis North of the River Thames (28th July, 1863) .. .. .. ib.

## CAP. LXXIX.

An Act for the Amendment of the Law relating to the Religious Instruction of Prisoners in County and Borough Prisons in England and Scotland (28th July, 1863) 37

## CAP. LXXX.

An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenal and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal (28th July, 1863) .. .. .. ib.

## CAP. LXXXI.

An Act to amend, so far as regards Advances for the Purposes of the Harbours and Passing Tolls, &c. Act, 1861, certain of the Acts authorising the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor (28th July, 1863) .. .. .. 38

## CAP. LXXXII.

An Act to empower the Bishops of Welsh Dioceses to facilitate the making Provision for English Services in certain Parishes in Wales (28th July, 1863) .. .. .. ib.

## CAP. LXXXIII.

An Act to define the Boundaries of the Colony of British Columbia, and to continue an Act to provide for the Government of the said Colony (28th July, 1863) .. .. ib.

## CAP. LXXXIV.

An Act to confirm certain Acts of Colonial Legislatures (28th July, 1863) .. .. .. .. ib.

CAP. LXXXV. *Not*

An Act to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings in Scotland (28th July, 1863) .. .. .. .. ib.

## CAP. LXXXVII.

An Act to consolidate and amend the Laws relating to Savings Banks (28th July, 1863) .. .. .. 39

## CAP. LXXXVIII.

An Act to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland (28th July, 1863) .. .. .. .. 49

## CAP. LXXXIX.

An Act for the further Amendment of the Law relating to the Removal of poor Persons, Natives of Ireland, from England (28th July, 1863) .. .. .. 50

## CAP. XC.

An Act to provide for the Registration of Marriages in Ireland (28th July, 1863) .. .. .. 51

## CAP. XCI.

An Act to extend for a further Period the Provisions of the Union Relief Aid Acts (28th July, 1863) .. .. 54

## CAP. XCII.

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Railways (28th July, 1863) .. .. .. .. .. ib.

## CAP. XCIII.

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks (28th July, 1863) .. .. .. .. .. 59

## CAP. XCIV.

An Act to amend the Law relating to the Repair of Turnpike Roads in England, and to continue certain Turnpike Acts in Great Britain (28th July, 1863) .. .. 61

## CAP. XCV.

An Act for continuing various expiring Acts (28th July, 1863) .. .. .. .. .. ib.

## CAP. XCVI.

An Act to amend the Petty Sessions (Ireland) Act (1851), and the Petty Sessions Clerks (Ireland) Act (1858) (28th July, 1863) .. .. .. .. 62

## CAP. XCVII.

An Act to enable Cities, Towns, and Boroughs of Twenty-five Thousand Inhabitants and upwards to appoint Stipendiary Magistrates (28th July, 1863) .. .. .. ib.

## CAP. C.

An Act to render Owners of Dogs in Scotland liable in certain Cases for Injuries done by their Dogs to Sheep and Cattle (28th July, 1863) .. .. .. 63

## CAP. CIII.

An Act to amend the Law in certain Cases of Misappropriation by Servants of the Property of their Masters (28th July, 1863) .. .. .. .. ib.

## CAP. CV.

An Act to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum (28th July, 1863) .. .. .. 64

## CAP. CVI.

An Act to further amend the Law relating to the Conveyance of Land for Charitable Purposes (28th July, 1863) .. .. ib.

## CAP. CVIII.

An Act to extend and make compulsory the Practice of Vaccination in Scotland (28th July, 1863) .. .. .. ib.

## CAP. CIX.

An Act for remedying certain Defects in the Law relating to the Removal of Prisoners in Scotland (28th July, 1863) .. .. .. 65

## CAP. CX.

An Act to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics (28th July, 1863) .. .. ib.

## CAP. CXI.

An Act to amend the Naval Medical Supplemental Fund Society Winding-up Act, 1861 (28th July, 1863) .. .. ib.

## CAP. CXII.

An Act to regulate the exercise of Powers under special Acts for the Construction and Maintenance of Telegraphs (28th July, 1863) .. .. .. .. ib.

## CAP. CXIII.

An Act to prohibit the Sale and Use of poisoned Grain or Seed (28th July, 1863) .. .. 72

## CAP. CXIV.

An Act to amend the Laws relating to Fisheries in Ireland (28th July, 1863) .. .. 73

## CAP. CXV.

An Act to explain the Act for the Amendment of the Law relative to gratuitous Trustees in Scotland (28th July, 1863) .. .. 73

## CAP. CXVI.

An Act to provide for the Appointment of Navy Prize Agents, and respecting their Duties and Remuneration (28th July, 1863) .. .. 74

## CAP. CXVII.

An Act to amend the Nuisances Removal Act for England, 1855, with respect to the Seizure of diseased and unwholesome Meat (28th July, 1863) .. .. 75

## CAP. CXVIII.

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to the Constitution and Management of Companies incorporated for carrying on Undertakings of a public Nature (28th July, 1863) .. 75

## CAP. CXIX.

An Act to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862 (28th July, 1863) 77

## CAP. CXX.

An Act for the Augmentation of certain Benefices, the Right of Presentation to which is vested in the Lord Chancellor (28th July, 1863) .. .. 78

## CAP. CXXI.

An Act to establish the Validity of Acts performed in Her Majesty's Possessions abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen (28th July, 1863) .. .. 78

## CAP. CXXII.

An Act to enable Her Majesty in Council to make Alterations in the Circuits of the Judges (28th July, 1863) .. 79

## CAP. CXXIII.

An Act to amend the Law relating to District Parochial Churches in Ireland (28th July, 1863) .. .. 79

## CAP. CXXIV.

An Act for the more effectual Condensation of Muriatic Acid Gas in Alkali Works (28th July, 1863) .. .. 80







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